



**City of Hamilton  
PLANNING COMMITTEE  
AGENDA**

**Meeting #:** 22-010  
**Date:** June 14, 2022  
**Time:** 9:30 a.m.  
**Location:** Council Chambers  
Council Chambers, Hamilton City Hall  
71 Main Street West

Lisa Kelsey, Legislative Coordinator (905) 546-2424 ext. 4605

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	<b>Pages</b>
<b>1. CEREMONIAL ACTIVITIES</b>	
<b>2. APPROVAL OF AGENDA</b> (Added Items, if applicable, will be noted with *)	
<b>3. DECLARATIONS OF INTEREST</b>	
<b>4. APPROVAL OF MINUTES OF PREVIOUS MEETING</b>	
4.1. May 31, 2022	3
<b>5. COMMUNICATIONS</b>	
<b>6. DELEGATION REQUESTS</b>	
<b>7. CONSENT ITEMS</b>	
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7.2. City of Hamilton's Response to the Provincial Bill 109 - Changes to Delegated Authority for Site Plan Approval (PED22112(a)) (City Wide)	53
<b>8. STAFF PRESENTATIONS</b>	

**9. PUBLIC HEARINGS / DELEGATIONS**

- 9.1. Applications for a Rural Hamilton Official Plan Amendment and Zoning By-law Amendment for Lands Located at 5020 Tyneside Road, Glanbrook (PED22121) (Ward 11) 60
- 9.2. Applications for a Zoning By-law Amendment and Draft Plan of Condominium (Vacant) for lands located at 541-545 Fifty Road (PED22126) (Ward 10) 115
- 9.3. Application to Amend Zoning By-law No. 6593 for Lands Located at 16 Steven Street and part of 436 King William Street, Hamilton (PED22125) (Ward 3) 169
- 9.4. Housekeeping Amendments to the Former City of Hamilton Zoning By-law No. 6593 and the Town of Glanbrook Zoning By-law No. 464 (PED22131)(City Wide) 219

**10. DISCUSSION ITEMS**

**11. MOTIONS**

**12. NOTICES OF MOTION**

**13. GENERAL INFORMATION / OTHER BUSINESS**

**14. PRIVATE AND CONFIDENTIAL**

- 14.1. Closed Session Minutes - May 31, 2022  
Pursuant to Section 9.1, Sub-sections (e), (f) and (k) of the City's Procedural By-law 21-021, as amended; and, Section 239(2), Sub-sections (e), (f) and (k) of the *Ontario Municipal Act, 2001*, as amended, as the subject matter pertains to litigation or potential litigation, including matters before administrative tribunals, affecting the municipality or local board; advice that is subject to solicitor-client privilege, including communications necessary for that purpose; and, a position, plan, procedure, criteria or instruction to be applied to any negotiations carried on or to be carried on by or on behalf of the municipality or local board.

**15. ADJOURNMENT**



**PLANNING COMMITTEE  
MINUTES**

**22-009**

**May 31, 2022**

**9:30 a.m.**

**Council Chambers, Hamilton City Hall  
71 Main Street West**

**Present:** Councillor B. Johnson (Chair)  
Councillor L. Ferguson (1<sup>st</sup> Vice Chair),  
Councillors M. Wilson (2<sup>nd</sup> Vice Chair),  
J.P. Danko, J. Partridge and M. Pearson

**Absent with Regrets:** J. Farr - Personal

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**THE FOLLOWING ITEMS WERE REFERRED TO COUNCIL FOR CONSIDERATION:**

**1. To Incorporate Certain City Lands as Public Highway Related to Registration of Stonegate Park Subdivision, Hamilton (PED22101) (Ward 8) (Item 7.1)**

**(Danko/Johnson)**

- (a) That the General Manager of Planning and Economic Development, or designate, be authorized and directed to prepare a by-law under the provisions of Subsection 31(2) of the *Municipal Act*, as amended, to incorporate Parts 3 and 4 on Plan 62R- 19793 and Part 1 on Plan 62R-21800 into public highway on Aquasanta Crescent and DiCenzo Drive, respectively, as illustrated in Appendix "A" to Report PED22101.
- (b) That the by-law to incorporate City lands to form part of Aquasanta Crescent and DiCenzo Drive, included as Appendix "B" to Report PED22101, be prepared to the satisfaction of the City Solicitor and enacted by Council.
- (c) That the City Solicitor, or designate, be authorized and directed to register the By- law.

**Result: Motion CARRIED by a vote of 6 to 0, as follows:**

YES - Ward 1 Councillor Maureen Wilson  
YES - Ward 8 Councillor John-Paul Danko  
NOT PRESENT - Ward 2 Councillor Jason Farr

YES - Ward 15 Councillor Judi Partridge  
 YES - Ward 12 Councillor Lloyd Ferguson  
 YES- Ward 11 Councillor Brenda Johnson  
 YES - Ward 10 Councillor Maria Pearson

**2. Private Property Special Enforcement Area (PED22133) (City Wide) (Item 7.2)**

**(Wilson/Partridge)**

That the draft Amending By-law for Administrative Penalty System By-law 17-225, and To Regulate the Parking of Motor Vehicles on Private and Municipal Property 01-220, attached as Appendix “A” to Report PED22133 and in a form satisfactory to the City Solicitor, be approved.

**Result: Motion CARRIED by a vote of 6 to 0, as follows:**

YES - Ward 1 Councillor Maureen Wilson  
 YES - Ward 8 Councillor John-Paul Danko  
 NOT PRESENT - Ward 2 Councillor Jason Farr  
 YES - Ward 15 Councillor Judi Partridge  
 YES - Ward 12 Councillor Lloyd Ferguson  
 YES- Ward 11 Councillor Brenda Johnson  
 YES - Ward 10 Councillor Maria Pearson

**3. Comments from the City of Hamilton – Proposed Amendments to the Greenbelt Plan: Growing the Size of the Greenbelt – ERO Postings #019-4485, 019-4483, and 019-4803 (PED21064(a)) (Wards 1, 5, 12, 13) (Added Item 7.3)**

**(Ferguson/Pearson)**

- (a) That the City of Hamilton supports the inclusion of Stoney Creek and Battlefield Creek in the Greenbelt Plan as Urban River Valleys as part of the Provincial “Growing the Greenbelt” initiative, as identified on Appendix “A” attached to Report PED21064(a);
- (b) That, in addition to Stoney Creek and Battlefield Creek, the City of Hamilton recommends the inclusion of Coldwater (Ancaster) Creek, as identified on Appendix “B” attached to Report PED21064(a), to the Greenbelt Plan as an Urban River Valley;
- (c) That Report PED21064(a) be forwarded to the Ministry of Municipal Affairs and Housing (MMAH) to be considered as part of the City of Hamilton’s comments on Environmental Registry of Ontario (ERO) Postings #019-4485, 019-4483, and 019-4803 respecting Growing the Size of the Greenbelt and Urban River Valleys.

**Result: Motion CARRIED by a vote of 6 to 0, as follows:**

YES - Ward 1 Councillor Maureen Wilson  
 YES - Ward 8 Councillor John-Paul Danko  
 NOT PRESENT - Ward 2 Councillor Jason Farr  
 YES - Ward 15 Councillor Judi Partridge  
 YES - Ward 12 Councillor Lloyd Ferguson  
 YES- Ward 11 Councillor Brenda Johnson  
 YES - Ward 10 Councillor Maria Pearson

**4. Ontario Land Tribunal Report CRB2101 through CRB2107 Respecting the Notice of Intention to Designate (NOID) 110-122 King Street East, Hamilton (PED20159(a)) (Ward 2) (Item 7.4)**

**(Wilson/Danko)**

- (a) That the Ontario Land Tribunal Report CRB2101 through CRB2107 in response to the objections to the Notice of Intention to Designate 110-122 King Street East (the former Royal Connaught Hotel) issued November 18, 2021, attached as Appendix "B" to Report PED20159(a), be received;
- (b) That the By-law, attached as Appendix "C" to Report PED20159(a), to designate 110-122 King Street East, Hamilton as a property of cultural heritage value pursuant to the provisions of Part IV of the Ontario Heritage Act, be approved.

**Result: Motion CARRIED by a vote of 6 to 0, as follows:**

YES - Ward 1 Councillor Maureen Wilson  
 YES - Ward 8 Councillor John-Paul Danko  
 NOT PRESENT - Ward 2 Councillor Jason Farr  
 YES - Ward 15 Councillor Judi Partridge  
 YES - Ward 12 Councillor Lloyd Ferguson  
 YES- Ward 11 Councillor Brenda Johnson  
 YES - Ward 10 Councillor Maria Pearson

**5. Modifications and Updates to existing Secondary Dwelling Unit and Secondary Dwelling Unit – Detached Regulations (PED20093(c)) (City Wide) (Item 9.1)**

**(Danko/Pearson)**

- (a) That City Initiative CI-20-E respecting the repealing and replacing of the Secondary Dwelling Unit and Secondary Dwelling Unit – Detached regulations in the Hamilton Zoning By-law No. 05-200 and the Zoning By-laws applicable to the Town of Ancaster, Town of Dundas, Town of

Flamborough, Township of Glanbrook, City of Hamilton, and City of Stoney Creek, be approved on the following basis:

- (i) That the Draft By-laws to amend Zoning By-law No. 05-200, the Town of Ancaster Zoning By-law No. 87-57, Town of Dundas Zoning By-law No. 3581-86, the Town of Flamborough Zoning By-law No. 90-145-Z, the Township of Glanbrook Zoning By-law No. 464, City of Hamilton Zoning By-law No. 6593, and the City of Stoney Creek Zoning By-law No. 3692-92, attached as Appendix "A" to Appendix "G", **as amended**, to Report PED20093(c), which have been prepared in a form satisfactory to the City Solicitor, be enacted by City Council;
- (ii) That the proposed changes in zoning are consistent with the Provincial Policy Statement (2020), conform with A Place to Grow: Growth Plan for the Greater Golden Horseshoe, 2019, as amended, and comply with the Rural and Urban Hamilton Official Plans.

**(b) *That the public submissions regarding this matter were received and considered by the Committee.***

**Result: Main Motion, As Amended, CARRIED by a vote of 6 to 0, as follows:**

YES - Ward 1 Councillor Maureen Wilson  
 YES - Ward 8 Councillor John-Paul Danko  
 NOT PRESENT - Ward 2 Councillor Jason Farr  
 YES - Ward 15 Councillor Judi Partridge  
 YES - Ward 12 Councillor Lloyd Ferguson  
 YES- Ward 11 Councillor Brenda Johnson  
 YES - Ward 10 Councillor Maria Pearson

**6. Application to Amend Stoney Creek Zoning By-law No. 3692-92 for Lands Located at 250-256 First Road West, Stoney Creek (PED22097) (Ward 9) (Item 9.2)**

**(Pearson/Ferguson)**

- (a) That Zoning By-law Amendment Application ZAC-20-026, by UrbanSolutions Planning & Land Development Consultants Inc. on behalf of 256 First Road West Inc., for a change in zoning from the Neighbourhood Development "ND" Zone to the Multiple Residential "RM3-70(H)" Zone, Modified, Holding in order to permit 25 townhouse units for lands located at 250-256 First Road West, Stoney Creek, as shown on

Appendix "A" attached to Report PED22097, be APPROVED on the following basis:

- (i) That the draft By-law, attached as Appendix "B" to Report PED22097, which has been prepared in a form satisfactory to the City Solicitor, be enacted by City Council;
  - (ii) That the amending By-law apply the Holding Provision of Section 36(1) of the Planning Act, R.S.O. 1990 to the subject lands by introducing the Holding symbol 'H' as a suffix to the proposed zoning for the following:
    - (1) The Holding Provision for the Multiple Residential "RM3-70(H)" Zone, Modified, Holding, shall be removed when the following conditions have been met:
      - (a) That there is adequate sanitary service capacity available to the subject lands and that it can be demonstrated that there are appropriate sanitary sewer connections available to the subject lands, to the satisfaction of the Director of Growth Management;
    - (iii) That the proposed amendment is consistent with the Provincial Policy Statement (2020), conforms to the Growth Plan for the Greater Golden Horseshoe (2019, as amended) and complies with the Urban Hamilton Official Plan.
- (b) *That the public submissions regarding this matter were received and considered by the Committee.***

**Result: Main Motion, As Amended, CARRIED by a vote of 5 to 0, as follows:**

YES - Ward 1 Councillor Maureen Wilson  
YES - Ward 8 Councillor John-Paul Danko  
NOT PRESENT - Ward 2 Councillor Jason Farr  
NOT PRESENT - Ward 15 Councillor Judi Partridge  
YES - Ward 12 Councillor Lloyd Ferguson  
YES- Ward 11 Councillor Brenda Johnson  
YES - Ward 10 Councillor Maria Pearson

**7. Applications for Official Plan Amendment and Zoning By-law Amendment for Lands Located at 1107 Main Street West, Hamilton (PED22098) (Ward 1) (Item 9.3)**

**(Wilson/Danko)**

- (a) That Official Plan Amendment Application UHOPA-20-012 by Bousfield Inc. c/o David Falletta, on behalf of 1107 Main Inc. c/o Eva Rygeiski, Owner, to establish a new Area Specific Policy within Site Specific Policy - Area E within the Mixed Use – Medium Density designation in the Ainslie Wood Westdale Secondary Plan, to permit a 15 storey, mixed use development, for 1107 Main Street West, as shown on Appendix “A” attached to Report PED22098, be APPROVED on the following basis:
- (i) That the draft Official Plan Amendment, attached as Appendix “B” to Report PED22098, be adopted by City Council;
  - (ii) That the proposed Official Plan Amendment is consistent with the Provincial Policy Statement (2020) and conforms to the Growth Plan for the Greater Golden Horseshoe 2019, as amended;
- (b) That amended Zoning By-law Amendment Application ZAC-20-016 by Bousfield Inc. c/o David Falletta, on behalf of 1107 Main Inc. c/o Eva Rygeiski, Owner, for a modification to the Transit Oriented Corridor Mixed Use Medium Density (TOC1) Zone to Transit Oriented Corridor Mixed Use Medium Density (TOC1, 772, H75) Zone, to permit a 15 storey mixed use development, for lands located at 1107 Main Street West, as shown on Appendix “A” attached to Report PED22098, be APPROVED on the following basis:
- (i) That the draft By-law, attached as Appendix “C” to Report PED22098, which has been prepared in a form satisfactory to the City Solicitor, be enacted by City Council;
  - (ii) That Schedule “D” – Holding Provisions, of Zoning By-law No. 05-200; be amended by adding the following Holding Provision:
    - H75. Notwithstanding Section 11.1 of this By-law, within lands zoned Transit Oriented Corridor Mixed Use Medium Density (TOC1, 772) Zone on Map No. 949 on Schedule “A” – Zoning Maps, and described as 1107 Main Street West, Hamilton, no development shall be permitted until such time as:



- (1) A Pedestrian Wind Study has been submitted and implemented to the satisfaction of the Director of Planning and Chief Planner;
  - (2) A Documentation and Salvage Report in accordance with the City's Guidelines for Documentation and Salvage Reports has been submitted and implemented all to the satisfaction of the Director of Planning and Chief Planner prior to any demolition and the Owner shall demonstrate that a copy of this report is submitted to the Hamilton Public Library;
  - (3) That a Conservation Management Plan, which address the conservation strategy for the retained front façade, and incorporation of salvage materials into the proposed design be submitted, approved and implemented through a Site Plan Agreement, to the satisfaction of the Director of Planning and Chief Planner prior to any demolition;
  - (4) That an updated Cultural Heritage Impact Assessment be submitted to the satisfaction of the Director of Planning and Chief Planner;
- (iii) That the proposed change in zoning is consistent with the Provincial Policy Statement (2020), conforms to A Place to Grow: Growth Plan for the Greater Golden Horseshoe, 2019, as amended, and complies with the Urban Hamilton Official Plan upon the approval of Official Plan Amendment No. \_\_\_\_\_.
- (c) *That the public submissions regarding this matter were received and considered by the Committee.***

**Result: Main Motion, As Amended, CARRIED by a vote of 5 to 0, as follows:**

YES - Ward 1 Councillor Maureen Wilson  
 YES - Ward 8 Councillor John-Paul Danko  
 NOT PRESENT - Ward 2 Councillor Jason Farr  
 NOT PRESENT - Ward 15 Councillor Judi Partridge  
 YES - Ward 12 Councillor Lloyd Ferguson  
 YES- Ward 11 Councillor Brenda Johnson  
 YES - Ward 10 Councillor Maria Pearson

**8. Condominium Conversion Policy Review (PED22091) (City Wide)  
(Outstanding Business List Item) (Item 10.1)**

**(Partridge/Ferguson)**

- (a) That Planning Division and Legal Services Division Staff be authorized to consult with stakeholders and the public on:
  - (i) The proposed Official Plan Amendment attached as Appendix “A” to Report PED22091, relating to polices about conversion of rental housing to condominium tenure and demolition of rental housing;
  - (ii) The proposed Municipal Act By-law attached as “Appendix “B” to Report PED22091, to regulate the demolition and conversion of rental housing in the City of Hamilton;
- (b) That Planning Division and Legal Services Staff be directed to report back to Planning Committee with final recommendations on the Official Plan Amendment and the Municipal Act By-law, with any modifications based on the results of the stakeholder and public consultation;
- (c) That Item 18H be removed from the Planning Committee Outstanding Business List.

**Result: Motion CARRIED by a vote of 5 to 0, as follows:**

YES - Ward 1 Councillor Maureen Wilson  
 YES - Ward 8 Councillor John-Paul Danko  
 NOT PRESENT - Ward 2 Councillor Jason Farr  
 YES - Ward 15 Councillor Judi Partridge  
 YES - Ward 12 Councillor Lloyd Ferguson  
 YES- Ward 11 Councillor Brenda Johnson  
 CONFLICT - Ward 10 Councillor Maria Pearson

**9. Appeal to the Ontario Land Tribunal (OLT) for Lack of Decision on Urban Hamilton Official Plan Amendment Application UHOPA-20-003 and Zoning By-law Amendment Application ZAC-20-008 for Lands Located at 354 King Street West (LS21046(a)/PED21178(b)) (Ward 1) (Added Item 14.1)**

**(Partridge/Ferguson)**

- (a) That closed session recommendations (a), (b), (c), and (d) to Report LS21046(a)/PED21178(b) be approved and remain confidential until made public coincident with staff’s presentation of the City’s position before the Ontario Land Tribunal;

**Result: Sub-Section (a) of the Main Motion, As Amended, CARRIED by a vote of 5 to 1, as follows:**

NO - Ward 1 Councillor Maureen Wilson  
 YES - Ward 8 Councillor John-Paul Danko  
 NOT PRESENT - Ward 2 Councillor Jason Farr  
 YES - Ward 15 Councillor Judi Partridge  
 YES - Ward 12 Councillor Lloyd Ferguson  
 YES- Ward 11 Councillor Brenda Johnson  
 YES - Ward 10 Councillor Maria Pearson

**(Wilson/Danko)**

- (b) That Appendix “B” and Appendix “C” to Report LS21046(a)/PED21178(b), be approved and remain confidential until made public coincident with staff’s presentation of the City’s position before the Ontario Land Tribunal; and

**Result: Sub-Section (b) of the Main Motion, As Amended, CARRIED by a vote of 6 to 0, as follows:**

YES - Ward 1 Councillor Maureen Wilson  
 YES - Ward 8 Councillor John-Paul Danko  
 NOT PRESENT - Ward 2 Councillor Jason Farr  
 YES - Ward 15 Councillor Judi Partridge  
 YES - Ward 12 Councillor Lloyd Ferguson  
 YES- Ward 11 Councillor Brenda Johnson  
 YES - Ward 10 Councillor Maria Pearson

**(Wilson/Danko)**

- (c) That the balance of Report LS21046(a)/PED21178(b), including Appendix “D” hereto, remain private and confidential.

**Result: Sub-Section (c) of the Main Motion, As Amended, CARRIED by a vote of 6 to 0, as follows:**

YES - Ward 1 Councillor Maureen Wilson  
 YES - Ward 8 Councillor John-Paul Danko  
 NOT PRESENT - Ward 2 Councillor Jason Farr  
 YES - Ward 15 Councillor Judi Partridge  
 YES - Ward 12 Councillor Lloyd Ferguson  
 YES- Ward 11 Councillor Brenda Johnson  
 YES - Ward 10 Councillor Maria Pearson

**FOR INFORMATION:****(a) APPROVAL OF AGENDA (Item 2)**

The Committee Clerk advised of the following changes to the agenda:

**1. PUBLIC HEARINGS/DELEGATIONS (Item 9)**

- 9.1 Modifications and Updates to existing Secondary Dwelling Unit and Secondary Dwelling Unit – Detached Regulations (PED20093(c)) (City Wide)

(b) Added Written Submissions:

- (i) Mary Ellen Scanlon
- (ii) Anka Cassar
- (iii) Dawn Vanson
- (iv) Andy Tran, Suite Additions Inc.
- (v) Daniel Segal
- (vi) Jill Tonini
- (vii) Michelle Diplock, West End Homebuilders' Assoc. Association
- (viii) Kris Gadjanski

- 9.3 Applications for Official Plan Amendment and Zoning By-law Amendment for Lands Located at 1107 Main Street West, Hamilton (PED22098) (Ward 1)

(a) Added Registered Delegations:

- (vii) Rhonda Ross
- (viii) Illana Goldberg
- (ix) Joel Goldberg

(b) Added Written Submissions:

- (iii) Scott and Kathy Warner
- (iv) Gavin Barringer
- (v) Joel Goldberg
- (vi) John Ross

**2. PRIVATE AND CONFIDENTIAL (Item 14)**

- 14.1 Appeal to the Ontario Land Tribunal (OLT) for Lack of Decision on Urban Hamilton Official Plan Amendment Application UHOPA-20-

003 and Zoning By-law Amendment Application ZAC-20-008 for  
Lands Located at 354 King Street West (LS21046(a)/PED21178(b))  
(Ward 1)

**(Wilson/Danko)**

That the agenda for the May 31, 2022 Planning Committee meeting be approved, as amended.

**Result: Motion CARRIED by a vote of 6 to 0, as follows:**

YES - Ward 1 Councillor Maureen Wilson  
YES - Ward 8 Councillor John-Paul Danko  
NOT PRESENT - Ward 2 Councillor Jason Farr  
YES - Ward 15 Councillor Judi Partridge  
YES - Ward 12 Councillor Lloyd Ferguson  
YES- Ward 11 Councillor Brenda Johnson  
YES - Ward 10 Councillor Maria Pearson

**(b) DECLARATIONS OF INTEREST (Item 3)**

Councillor Pearson declared a disqualifying interest with Item 10.1, Condominium Conversion Policy Review (PED22091) (City Wide) as she is a landlord of rental properties.

**(c) APPROVAL OF MINUTES OF PREVIOUS MEETING (Item 4)**

**(i) May 17, 2022 (Item 4.1)**

**(Partridge/Pearson)**

That the Minutes of the May 17, 2022 meeting be approved, as presented.

**Result: Motion CARRIED by a vote of 6 to 0, as follows:**

YES - Ward 1 Councillor Maureen Wilson  
YES - Ward 8 Councillor John-Paul Danko  
NOT PRESENT - Ward 2 Councillor Jason Farr  
YES - Ward 15 Councillor Judi Partridge  
YES - Ward 12 Councillor Lloyd Ferguson  
YES- Ward 11 Councillor Brenda Johnson  
YES - Ward 10 Councillor Maria Pearson

**(d) PUBLIC HEARINGS / DELEGATIONS (Item 9)**

In accordance with the *Planning Act*, Chair Johnson advised those viewing the meeting that the public had been advised of how to pre-register to be a delegate at the Public Meetings on today's agenda.

In accordance with the provisions of the *Planning Act*, Chair Johnson advised that if a person or public body does not make oral submissions at a public meeting or make written submissions to the Council of the City of Hamilton before Council makes a decision regarding the Development applications before the Committee today, the person or public body is not entitled to appeal the decision of the Council of the City of Hamilton to the Ontario Land Tribunal, and the person or public body may not be added as a party to the hearing of an appeal before the Ontario Land Tribunal unless, in the opinion of the Tribunal, there are reasonable grounds to do so.

**(i) Modifications and Updates to existing Secondary Dwelling Unit and Secondary Dwelling Unit – Detached Regulations (PED20093(c)) (City Wide) (Item 9.1)**

Alana Fulford, Senior Planner, and Shannon McKie, Manager of Zoning and Committee Adjustment, addressed the Committee with the aid of a PowerPoint presentation

**(Danko/Pearson)**

That the staff presentation be received.

**Result: Motion CARRIED by a vote of 6 to 0, as follows:**

YES - Ward 1 Councillor Maureen Wilson  
 YES - Ward 8 Councillor John-Paul Danko  
 NOT PRESENT - Ward 2 Councillor Jason Farr  
 YES - Ward 15 Councillor Judi Partridge  
 YES - Ward 12 Councillor Lloyd Ferguson  
 YES- Ward 11 Councillor Brenda Johnson  
 YES - Ward 10 Councillor Maria Pearson

The following Delegation (Item 9.1(a)) addressed the Committee:

(i) Claude Jarvis, opposed to the staff report recommendations

**(Danko/Pearson)**

That the following Delegation (Item 9.1(a)), be received:

(i) Claude Jarvis

**Result: Motion CARRIED by a vote of 6 to 0, as follows:**

YES - Ward 1 Councillor Maureen Wilson  
 YES - Ward 8 Councillor John-Paul Danko

NOT PRESENT - Ward 2 Councillor Jason Farr  
 YES - Ward 15 Councillor Judi Partridge  
 YES - Ward 12 Councillor Lloyd Ferguson  
 YES- Ward 11 Councillor Brenda Johnson  
 YES - Ward 10 Councillor Maria Pearson

**(Danko/Pearson)**

That the following Written Submissions (Item 9.1(b)), be received:

- (i) Mary Ellen Scanlon, in support of the staff report
- (ii) Anka Cassar, in support of the staff report
- (iii) Dawn Vanson, in support of the staff report
- (iv) Andy Tran, Suite Additions Inc., in support of the staff report
- (v) Daniel Segal, in support of the staff report
- (vi) Jill Tonini, in support of the staff report
- (vii) Michelle Diplock, West End Homebuilders' Assoc. Association, in support of the staff report
- (viii) Kris Gadjanski, in support of the staff report

**Result: Motion CARRIED by a vote of 6 to 0, as follows:**

YES - Ward 1 Councillor Maureen Wilson  
 YES - Ward 8 Councillor John-Paul Danko  
 NOT PRESENT - Ward 2 Councillor Jason Farr  
 YES - Ward 15 Councillor Judi Partridge  
 YES - Ward 12 Councillor Lloyd Ferguson  
 YES- Ward 11 Councillor Brenda Johnson  
 YES - Ward 10 Councillor Maria Pearson

**(Danko/Pearson)**

That the public meeting be closed.

**Result: Motion CARRIED by a vote of 6 to 0, as follows:**

YES - Ward 1 Councillor Maureen Wilson  
 YES - Ward 8 Councillor John-Paul Danko  
 NOT PRESENT - Ward 2 Councillor Jason Farr  
 YES - Ward 15 Councillor Judi Partridge  
 YES - Ward 12 Councillor Lloyd Ferguson  
 YES- Ward 11 Councillor Brenda Johnson  
 YES - Ward 10 Councillor Maria Pearson

**(Danko/Pearson)**

- (a) That City Initiative CI-20-E respecting the repealing and replacing of the Secondary Dwelling Unit and Secondary Dwelling Unit –

Detached regulations in the Hamilton Zoning By-law No. 05-200 and the Zoning By-laws applicable to the Town of Ancaster, Town of Dundas, Town of Flamborough, Township of Glanbrook, City of Hamilton, and City of Stoney Creek, be approved on the following basis:

- (i) That the Draft By-laws to amend Zoning By-law No. 05-200, the Town of Ancaster Zoning By-law No. 87-57, Town of Dundas Zoning By-law No. 3581-86, the Town of Flamborough Zoning By-law No. 90-145-Z, the Township of Glanbrook Zoning By-law No. 464, City of Hamilton Zoning By-law No. 6593, and the City of Stoney Creek Zoning By-law No. 3692-92, attached as Appendix "A" to Appendix "G" to Report PED20093(c), which have been prepared in a form satisfactory to the City Solicitor, be enacted by City Council;
- (ii) That the proposed changes in zoning are consistent with the Provincial Policy Statement (2020), conform with A Place to Grow: Growth Plan for the Greater Golden Horseshoe, 2019, as amended, and comply with the Rural and Urban Hamilton Official Plans.

**(Danko/Pearson)**

That the recommendations in Report PED20093(c) be **amended** by adding the following sub-section (b):

- (b) *That the public submissions regarding this matter were received and considered by the Committee.***

**Result: Amendment CARRIED by a vote of 6 to 0, as follows:**

YES - Ward 1 Councillor Maureen Wilson  
 YES - Ward 8 Councillor John-Paul Danko  
 NOT PRESENT - Ward 2 Councillor Jason Farr  
 YES - Ward 15 Councillor Judi Partridge  
 YES - Ward 12 Councillor Lloyd Ferguson  
 YES- Ward 11 Councillor Brenda Johnson  
 YES - Ward 10 Councillor Maria Pearson

**(Danko/Pearson)**

That the amending by-laws in Report PED20093(c), Appendices "A" to "G", be **amended** by adding the following wording:

- (i) *Notwithstanding Section X.X of this By-law, the following provisions shall apply:***



- (i) ***A Building Permit application for a Secondary Dwelling Unit or Secondary Dwelling Unit - Detached, received by the City of Hamilton prior to the date By-law No. 22-XXX was approved by Council, will be evaluated against the provisions of Section(s) X.X of this By-law, in effect before By-law No. 22-XXX came into effect.***
  - (A) ***Notwithstanding Section 9.14 (b) i), if a Building Permit is not issued within 180 days of the effective date of this By-law, By-law No. 22-XXX shall apply in all respects to the Building Permit in question.***
- (ii) ***A Building Permit may be issued to permit a Secondary Dwelling Unit or Secondary Dwelling Unit – Detached in accordance with any Minor Variance that has been approved by the City of Hamilton or the Ontario Land Tribunal as it read on the day before By-law 22-XXX was approved by Council, provided the Building Permit application complies with Section(s) X.X of this By-law, in effect the day before By-law No. 22-XXX came into effect.***
- (iii) ***For the purposes of determining zoning conformity, the following shall apply:***
  - (A) ***This By-law is deemed to be modified to the extent necessary to permit a Secondary Dwelling Unit or Secondary Dwelling Unit – Detached that is constructed in accordance with Section(s) X.X.***
  - (B) ***Once a Building Permit has been issued under Section(s) X.X, or more than 180 days has transpired as per Section(s) X.X (A), the provisions of this By-law apply in all other respects***
- (ii) That the sub-section in the by-laws respecting the minimum 1.2 metre setback be ***amended*** by adding wording as follows:
  - (X) A minimum 1.2 metre setback shall be provided from the interior Side Lot Line and Rear Lot Line.

- (i) Notwithstanding Section(s) X.X, an eave or a gutter may extend a maximum of 30 centimetres into a required minimum setback area.
- (ii) In addition to Section(s) X.X, a landscape strip is required to be provided within the required side yard adjacent to a Secondary Dwelling Unit – Detached and shall be limited to sod, ground cover, permeable pavers, **or a planting strip, and may including a fence.**
- (iii) That the sub-section in the by-laws respecting the maximum gross floor area be **amended** as follows:
  - (X) The maximum gross floor area shall not exceed the lesser of 75 square metres or the gross floor area of the principal dwelling.
    - (i) Notwithstanding Section(s) X.X, the maximum combined lot coverage of all accessory buildings and the Secondary Dwelling Unit - Detached shall be 25%.
    - (ii) ***In addition to Section(s) X.X, the ground floor area of a Secondary Dwelling Unit – Detached shall not exceed 70% of the ground floor area of the principal dwelling when the ground floor area of the principal dwelling is less than or equal to 105 square metres.***

**Result: Amendment CARRIED by a vote of 6 to 0, as follows:**

YES - Ward 1 Councillor Maureen Wilson  
 YES - Ward 8 Councillor John-Paul Danko  
 NOT PRESENT - Ward 2 Councillor Jason Farr  
 YES - Ward 15 Councillor Judi Partridge  
 YES - Ward 12 Councillor Lloyd Ferguson  
 YES- Ward 11 Councillor Brenda Johnson  
 YES - Ward 10 Councillor Maria Pearson

For disposition of this matter, refer to Item 5.

- (ii) **Application to Amend Stoney Creek Zoning By-law No. 3692-92 for Lands Located at 250-256 First Road West, Stoney Creek (PED22097) (Ward 9) (Item 9.2)**

Charlie Toman, Senior Project Manager, addressed the Committee with the aid of a PowerPoint presentation.

**(Pearson/Partridge)**

That the staff presentation be received.

**Result: Motion CARRIED by a vote of 6 to 0, as follows:**

YES - Ward 1 Councillor Maureen Wilson  
 YES - Ward 8 Councillor John-Paul Danko  
 NOT PRESENT - Ward 2 Councillor Jason Farr  
 YES - Ward 15 Councillor Judi Partridge  
 YES - Ward 12 Councillor Lloyd Ferguson  
 YES- Ward 11 Councillor Brenda Johnson  
 YES - Ward 10 Councillor Maria Pearson

Matt Johnston and Scott Beedie with UrbanSolutions, were in attendance and indicated support for the staff report.

**(Pearson/Partridge)**

That the delegation from Matt Johnston and Scott Beedie with UrbanSolutions, be received.

**Result: Motion CARRIED by a vote of 6 to 0, as follows:**

YES - Ward 1 Councillor Maureen Wilson  
 YES - Ward 8 Councillor John-Paul Danko  
 NOT PRESENT - Ward 2 Councillor Jason Farr  
 YES - Ward 15 Councillor Judi Partridge  
 YES - Ward 12 Councillor Lloyd Ferguson  
 YES- Ward 11 Councillor Brenda Johnson  
 YES - Ward 10 Councillor Maria Pearson

The Chair called for public delegations in attendance.

The following delegation addressed the Committee:

- (i) Mirella Wise, expressing concerns with the proposal

**(Pearson/Ferguson)**

That the following delegation be received:

- (i) Mirella Wise

**Result: Motion CARRIED by a vote of 5 to 0, as follows:**

YES - Ward 1 Councillor Maureen Wilson  
 YES - Ward 8 Councillor John-Paul Danko  
 NOT PRESENT - Ward 2 Councillor Jason Farr  
 NOT PRESENT - Ward 15 Councillor Judi Partridge  
 YES - Ward 12 Councillor Lloyd Ferguson  
 YES- Ward 11 Councillor Brenda Johnson  
 YES - Ward 10 Councillor Maria Pearson

**(Pearson/Ferguson)**

That the public meeting be closed.

**Result: Motion CARRIED by a vote of 5 to 0, as follows:**

YES - Ward 1 Councillor Maureen Wilson  
 YES - Ward 8 Councillor John-Paul Danko  
 NOT PRESENT - Ward 2 Councillor Jason Farr  
 NOT PRESENT - Ward 15 Councillor Judi Partridge  
 YES - Ward 12 Councillor Lloyd Ferguson  
 YES- Ward 11 Councillor Brenda Johnson  
 YES - Ward 10 Councillor Maria Pearson

**(Pearson/Ferguson)**

- (a) That Zoning By-law Amendment Application ZAC-20-026, by UrbanSolutions Planning & Land Development Consultants Inc. on behalf of 256 First Road West Inc., for a change in zoning from the Neighbourhood Development “ND” Zone to the Multiple Residential “RM3-70(H)” Zone, Modified, Holding in order to permit 25 townhouse units for lands located at 250-256 First Road West, Stoney Creek, as shown on Appendix “A” attached to Report PED22097, be APPROVED on the following basis:

- (i) That the draft By-law, attached as Appendix “B” to Report PED22097, which has been prepared in a form satisfactory to the City Solicitor, be enacted by City Council;
- (ii) That the amending By-law apply the Holding Provision of Section 36(1) of the Planning Act, R.S.O. 1990 to the subject lands by introducing the Holding symbol ‘H’ as a suffix to the proposed zoning for the following:

- (1) The Holding Provision for the Multiple Residential “RM3-70(H)” Zone, Modified, Holding, shall be removed when the following conditions have been met:
- (a) That there is adequate sanitary service capacity available to the subject lands and that it can be demonstrated that there are appropriate sanitary sewer connections available to the subject lands, to the satisfaction of the Director of Growth Management;
  - (iii) That the proposed amendment is consistent with the Provincial Policy Statement (2020), conforms to the Growth Plan for the Greater Golden Horseshoe (2019, as amended) and complies with the Urban Hamilton Official Plan.

**(Pearson/Ferguson)**

That the recommendations in Report PED22097 be **amended** by adding the following sub-section (b):

- (b) *That the public submissions regarding this matter were received and considered by the Committee.***

**Result: Amendment CARRIED by a vote of 5 to 0, as follows:**

YES - Ward 1 Councillor Maureen Wilson  
 YES - Ward 8 Councillor John-Paul Danko  
 NOT PRESENT - Ward 2 Councillor Jason Farr  
 NOT PRESENT - Ward 15 Councillor Judi Partridge  
 YES - Ward 12 Councillor Lloyd Ferguson  
 YES- Ward 11 Councillor Brenda Johnson  
 YES - Ward 10 Councillor Maria Pearson

For disposition of this matter, refer to Item 6.

- (iii) Applications for Official Plan Amendment and Zoning By-law Amendment for Lands Located at 1107 Main Street West, Hamilton (PED22098) (Ward 1) (Item 9.3)**

Daniel Barnett, Planner 2, addressed the Committee with the aid of a PowerPoint presentation.

**(Wilson/Danko)**

That the staff presentation be received.

**Result: Motion CARRIED by a vote of 5 to 0, as follows:**

YES - Ward 1 Councillor Maureen Wilson  
 YES - Ward 8 Councillor John-Paul Danko  
 NOT PRESENT - Ward 2 Councillor Jason Farr  
 NOT PRESENT - Ward 15 Councillor Judi Partridge  
 YES - Ward 12 Councillor Lloyd Ferguson  
 YES- Ward 11 Councillor Brenda Johnson  
 YES - Ward 10 Councillor Maria Pearson

David Falletta with Bousfields Inc., was in attendance and indicated support for the staff report.

**(Wilson/Danko)**

That the delegation from David Falletta with Bousfields Inc., be received.

**Result: Motion CARRIED by a vote of 5 to 0, as follows:**

YES - Ward 1 Councillor Maureen Wilson  
 YES - Ward 8 Councillor John-Paul Danko  
 NOT PRESENT - Ward 2 Councillor Jason Farr  
 NOT PRESENT - Ward 15 Councillor Judi Partridge  
 YES - Ward 12 Councillor Lloyd Ferguson  
 YES- Ward 11 Councillor Brenda Johnson  
 YES - Ward 10 Councillor Maria Pearson

The following Delegations were not in attendance:

- (ii) Rev. Loretta Jaunzarins, Grace/Trinity Lutheran Church
- (iii) Lester Krames
- (v) Carla Parslow (addressed the Committee as a consultant under the Agent's Delegation)
- (vii) Rhonda Ross

The following Delegations (Item 9.3(a)) addressed the Committee:

- (i) John Ross (in person), in opposition to the proposal

**(Wilson/Danko)**

That John Ross be granted additional time to speak on behalf of Rhonda Ross (Item 9.3(a)(vii)).

**Result: Motion CARRIED by a vote of 5 to 0, as follows:**

YES - Ward 1 Councillor Maureen Wilson  
 YES - Ward 8 Councillor John-Paul Danko  
 NOT PRESENT - Ward 2 Councillor Jason Farr  
 NOT PRESENT - Ward 15 Councillor Judi Partridge  
 YES - Ward 12 Councillor Lloyd Ferguson  
 YES- Ward 11 Councillor Brenda Johnson  
 YES - Ward 10 Councillor Maria Pearson

- (iv) Alan Richter (video), in support of the proposal
- (vi) Harvey Katz, Adas Israel Congregation of Hamilton (video), in support of the proposal
- (viii) Ilana Goldberg (virtual), in opposition to the proposal
- (ix) Joel Goldberg (video), in opposition to the proposal

**(Wilson/Danko)**

That the following Delegations (Item 9.2(b)), be received:

- (i) John Ross (in person)
- (iv) Alan Richter (video)
- (vi) Harvey Katz, Adas Israel Congregation of Hamilton (video)
- (viii) Ilana Goldberg (virtual)
- (ix) Joel Goldberg (video)

**Result: Motion CARRIED by a vote of 5 to 0, as follows:**

YES - Ward 1 Councillor Maureen Wilson  
 YES - Ward 8 Councillor John-Paul Danko  
 NOT PRESENT - Ward 2 Councillor Jason Farr  
 NOT PRESENT - Ward 15 Councillor Judi Partridge  
 YES - Ward 12 Councillor Lloyd Ferguson  
 YES- Ward 11 Councillor Brenda Johnson  
 YES - Ward 10 Councillor Maria Pearson

**(Wilson/Danko)**

That the following written submissions (Item 9.3(b)) be received:

- (i) Ira Rosen, President, AWWCA, in support of the staff report
- (ii) Mataniah Ilan Friedner (Petition), in support of the staff report
- (iii) Scott and Kathy Warner, in opposition to the staff report
- (iv) Gavin Barringer, with concerns for the proposal
- (v) Joel Goldberg, in opposition to the staff report
- (vi) John Ross, in opposition to the staff report

**Result: Motion CARRIED by a vote of 5 to 0, as follows:**

YES - Ward 1 Councillor Maureen Wilson  
 YES - Ward 8 Councillor John-Paul Danko  
 NOT PRESENT - Ward 2 Councillor Jason Farr  
 NOT PRESENT - Ward 15 Councillor Judi Partridge  
 YES - Ward 12 Councillor Lloyd Ferguson  
 YES- Ward 11 Councillor Brenda Johnson  
 YES - Ward 10 Councillor Maria Pearson

**(Wilson/Danko)**

That the public meeting be closed.

**Result: Motion CARRIED by a vote of 5 to 0, as follows:**

YES - Ward 1 Councillor Maureen Wilson  
 YES - Ward 8 Councillor John-Paul Danko  
 NOT PRESENT - Ward 2 Councillor Jason Farr  
 NOT PRESENT - Ward 15 Councillor Judi Partridge  
 YES - Ward 12 Councillor Lloyd Ferguson  
 YES- Ward 11 Councillor Brenda Johnson  
 YES - Ward 10 Councillor Maria Pearson

**(Wilson/Danko)**

(a) That Official Plan Amendment Application UHOPA-20-012 by Bousfield Inc. c/o David Falletta, on behalf of 1107 Main Inc. c/o Eva Rygeiski, Owner, to establish a new Area Specific Policy within Site Specific Policy – Area E within the Mixed Use – Medium Density designation in the Ainslie Wood Westdale Secondary Plan, to permit a 15 storey, mixed use development, for 1107 Main Street West, as shown on Appendix “A” attached to Report PED22098, be APPROVED on the following basis:

- (i) That the draft Official Plan Amendment, attached as Appendix “B” to Report PED22098, be adopted by City Council;
- (ii) That the proposed Official Plan Amendment is consistent with the Provincial Policy Statement (2020) and conforms to the Growth Plan for the Greater Golden Horseshoe 2019, as amended;

(b) That amended Zoning By-law Amendment Application ZAC-20-016 by Bousfield Inc. c/o David Falletta, on behalf of 1107 Main Inc. c/o Eva Rygeiski, Owner, for a modification to the Transit Oriented



Corridor Mixed Use Medium Density (TOC1) Zone to Transit Oriented Corridor Mixed Use Medium Density (TOC1, 772, H75) Zone, to permit a 15 storey mixed use development, for lands located at 1107 Main Street West, as shown on Appendix "A" attached to Report PED22098, be APPROVED on the following basis:

(i) That the draft By-law, attached as Appendix "C" to Report PED22098, which has been prepared in a form satisfactory to the City Solicitor, be enacted by City Council;

(ii) That Schedule "D" – Holding Provisions, of Zoning By-law No. 05-200; be amended by adding the following Holding Provision:

H75. Notwithstanding Section 11.1 of this By-law, within lands zoned Transit Oriented Corridor Mixed Use Medium Density (TOC1, 772) Zone on Map No. 949 on Schedule "A" – Zoning Maps, and described as 1107 Main Street West, Hamilton, no development shall be permitted until such time as:

(1) A Pedestrian Wind Study has been submitted and implemented to the satisfaction of the Director of Planning and Chief Planner;

(2) A Documentation and Salvage Report in accordance with the City's Guidelines for Documentation and Salvage Reports has been submitted and implemented all to the satisfaction of the Director of Planning and Chief Planner prior to any demolition and the Owner shall demonstrate that a copy of this report is submitted to the Hamilton Public Library;

(3) That a Conservation Management Plan, which address the conservation strategy for the retained front façade, and incorporation of salvage materials into the proposed design be submitted, approved and implemented through a Site Plan Agreement, to the satisfaction of the Director of Planning and Chief Planner prior to any demolition;

- (4) That an updated Cultural Heritage Impact Assessment be submitted to the satisfaction of the Director of Planning and Chief Planner;
- (iii) That the proposed change in zoning is consistent with the Provincial Policy Statement (2020), conforms to A Place to Grow: Growth Plan for the Greater Golden Horseshoe, 2019, as amended, and complies with the Urban Hamilton Official Plan upon the approval of Official Plan Amendment No. \_\_\_\_\_.

**(Wilson/Danko)**

That the recommendations in Report PED22098 be **amended** by adding the following sub-section (c):

- (c) *That the public submissions regarding this matter were received and considered by the Committee.***

**Result: Amendment CARRIED by a vote of 6 to 0, as follows:**

YES - Ward 1 Councillor Maureen Wilson  
 YES - Ward 8 Councillor John-Paul Danko  
 NOT PRESENT - Ward 2 Councillor Jason Farr  
 NOT PRESENT - Ward 15 Councillor Judi Partridge  
 YES - Ward 12 Councillor Lloyd Ferguson  
 YES- Ward 11 Councillor Brenda Johnson  
 YES - Ward 10 Councillor Maria Pearson

For disposition of this matter, refer to Item 7.

**(Ferguson/Pearson)**

That the Committee recess from 12:40 p.m. to 1:00 p.m.

**Result: Motion CARRIED by a vote of 5 to 0, as follows:**

YES - Ward 1 Councillor Maureen Wilson  
 YES - Ward 8 Councillor John-Paul Danko  
 NOT PRESENT - Ward 2 Councillor Jason Farr  
 NOT PRESENT - Ward 15 Councillor Judi Partridge  
 YES - Ward 12 Councillor Lloyd Ferguson  
 YES- Ward 11 Councillor Brenda Johnson  
 YES - Ward 10 Councillor Maria Pearson

**(e) DISCUSSION ITEMS (Item 10)**

**(i) Condominium Conversion Policy Review (PE22091) (City Wide)  
(Outstanding Business List Item) (Item 10.1)**

Melanie Pham, Senior Planner, addressed the Committee respecting Condominium Conversion Policy Review, with the aid of a PowerPoint presentation.

**(Partridge/Ferguson)**

That the presentation from Melanie Pham, Planner, respecting Condominium Conversion Policy Review, be received.

**Result: Motion CARRIED by a vote of 5 to 0, as follows:**

YES - Ward 1 Councillor Maureen Wilson  
 YES - Ward 8 Councillor John-Paul Danko  
 NOT PRESENT - Ward 2 Councillor Jason Farr  
 YES - Ward 15 Councillor Judi Partridge  
 YES - Ward 12 Councillor Lloyd Ferguson  
 YES- Ward 11 Councillor Brenda Johnson  
 CONFLICT - Ward 10 Councillor Maria Pearson

For disposition of this matter, refer to Item 8.

**(f) GENERAL INFORMATION / OTHER BUSINESS (Item 13)**

**(i) Outstanding Business List (Item 13.1)**

**(Pearson/Wilson)**

That the following changes to the Outstanding Business List, be approved:

**(a) Items to Be Removed:**

21i – Five Year Review of the Downtown and Community Renewal Community Improvement Plan and Associated Finance Incentive Programs (PED21035), Addressed at the September 21, 2021, Planning Committee, Item 4

21J – Five Year Review of the Downtown and Community Renewal Community Improvement Plan and Associated Finance Incentive Programs (PED21035), Addressed at the September 21, 2021 Planning Committee, Item 4

22C – Amendment to the Removal of Snow and Ice By-law respecting the definition of “clearing” (Added Item 12.2), Addressed at the March 22, 2022, Planning Committee, Item 10.4

(b) Items Requiring New Due Dates:

20B – Review of Problems Associated with Increased Visitors to Waterfalls (PED18011(a))

Current Due Date: January 11, 2022

Proposed New Due Date: November 29, 2022

**Result: Motion CARRIED by a vote of 6 to 0, as follows:**

YES - Ward 1 Councillor Maureen Wilson  
 YES - Ward 8 Councillor John-Paul Danko  
 NOT PRESENT - Ward 2 Councillor Jason Farr  
 YES - Ward 15 Councillor Judi Partridge  
 YES - Ward 12 Councillor Lloyd Ferguson  
 YES- Ward 11 Councillor Brenda Johnson  
 YES - Ward 10 Councillor Maria Pearson

**(ii) General Manager’s Update (Added Item 13.2)**

Jason Thorne, General Manager of Planning and Economic Development, addressed the Committee with respect to the introduction of the new Chief Building Official, his upcoming attendance before the House of Commons’ Standing Committee on Human Resources, Skills and Social Development and the Status of Persons with Disabilities (HUMA) to provide remarks and comments with respect to the federal government’s proposed Housing Accelerator Fund, and answered general questions from Committee.

**(Pearson/Danko)**

That the General Manager’s Update, be received.

**Result: Motion CARRIED by a vote of 6 to 0, as follows:**

YES - Ward 1 Councillor Maureen Wilson  
 YES - Ward 8 Councillor John-Paul Danko  
 NOT PRESENT - Ward 2 Councillor Jason Farr  
 YES - Ward 15 Councillor Judi Partridge  
 YES - Ward 12 Councillor Lloyd Ferguson  
 YES- Ward 11 Councillor Brenda Johnson  
 YES - Ward 10 Councillor Maria Pearson

(g) PRIVATE AND CONFIDENTIAL (Item 14)

**(Wilson/Ferguson)**

That Committee move into Closed Session pursuant to Section 9.1, Sub-sections (e), (f) and (k) of the City's Procedural By-law 21-021, as amended; and, Section 239(2), Sub-sections (e), (f) and (k) of the *Ontario Municipal Act*, 2001, as amended, as the subject matter pertains to litigation or potential litigation, including matters before administrative tribunals, affecting the municipality or local board; advice that is subject to solicitor-client privilege, including communications necessary for that purpose; and, a position, plan, procedure, criteria or instruction to be applied to any negotiations carried on or to be carried on by or on behalf of the municipality or local board.

- (i) **Appeal to the Ontario Land Tribunal (OLT) for Lack of Decision on Urban Hamilton Official Plan Amendment Application UHOPA-20-003 and Zoning By-law Amendment Application ZAC-20-008 for Lands Located at 354 King Street West (LS21046(a)/PED21178(b)) (Ward 1) (Added Item 14.1)**

**(Wilson/Danko)**

That the recommendations in Report LS21046(a)/PED22178(b) be deleted in their entirety and replaced with the following wording:

- ~~(a) — ***That closed session recommendations (a), (b), (c), and (d) to Report LS21046(a)/PED21178(b) and Appendix “B” hereto, be approved and remain confidential until made public coincident with staff’s presentation of the City’s position before the Ontario Land Tribunal;***~~
- ~~(b) — ***That the balance of Report LS21046(a)/PED21178(b), including Appendices “C” and “D” hereto, remain confidential.***~~
- (a) ***That closed session recommendations (a), (b), (c), and (d) to Report LS21046(a)/PED21178(b) be approved and remain confidential until made public coincident with staff’s presentation of the City’s position before the Ontario Land Tribunal;***
- (b) ***That Appendix “B” and Appendix “C” to Report LS21046(a)/PED21178(b), be approved and remain confidential until made public coincident with staff’s presentation of the City’s position before the Ontario Land Tribunal; and***
- (c) ***That the balance of Report LS21046(a)/PED21178(b), including Appendix “D” hereto, remain private and confidential.***

**Result: Amendment CARRIED by a vote of 6 to 0, as follows:**

YES - Ward 1 Councillor Maureen Wilson  
YES - Ward 8 Councillor John-Paul Danko  
NOT PRESENT - Ward 2 Councillor Jason Farr  
YES - Ward 15 Councillor Judi Partridge  
YES - Ward 12 Councillor Lloyd Ferguson  
YES- Ward 11 Councillor Brenda Johnson  
YES - Ward 10 Councillor Maria Pearson

Upon Committee's request, the sub-sections of the Main Motion, **As Amended** ((a), (b) and (c)), were voted on separately, for disposition of this matter, refer to Item 9.

**(h) ADJOURNMENT (Item 15)**

**(Ferguson/Pearson)**

That there being no further business, the Planning Committee be adjourned at 2:03 p.m.

**Result: Motion CARRIED by a vote of 6 to 0, as follows:**

YES - Ward 1 Councillor Maureen Wilson  
YES - Ward 8 Councillor John-Paul Danko  
NOT PRESENT - Ward 2 Councillor Jason Farr  
YES - Ward 15 Councillor Judi Partridge  
YES - Ward 12 Councillor Lloyd Ferguson  
YES- Ward 11 Councillor Brenda Johnson  
YES - Ward 10 Councillor Maria Pearson

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Councillor B. Johnson  
Chair, Planning Committee

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Lisa Kelsey  
Legislative Coordinator



## INFORMATION REPORT

<b>TO:</b>	Chair and Members Planning Committee
<b>COMMITTEE DATE:</b>	June 14, 2022
<b>SUBJECT/REPORT NO:</b>	Active Official Plan Amendment, Zoning By-law Amendment, and Plan of Subdivision Applications (PED22127) (City Wide)
<b>WARD(S) AFFECTED:</b>	City Wide
<b>PREPARED BY:</b>	Shannah Evans (905) 546-2424 Ext. 1928
<b>SUBMITTED BY:</b>	Steve Robichaud Director, Planning and Chief Planner Planning and Economic Development Department
<b>SIGNATURE:</b>	

### COUNCIL DIRECTION

In accordance with the June 16, 2015 Planning Committee direction, this Report provides a status of all active Zoning By-law Amendment, Official Plan Amendment and Plan of Subdivision Applications relative to the statutory timeframe provisions of the *Planning Act* for non-decision appeals. In addition, this Report also includes a list and status of all Applications appealed to the Ontario Land Tribunal for non-decision.

### INFORMATION

Staff were directed to report back to Planning Committee with a reporting tool that seeks to monitor Applications where the applicable statutory timeframes apply. This reporting tool would be used to track the status of all active Official Plan Amendment, Zoning By-law Amendment and Plan of Subdivision Applications.

For the purposes of this Report, the status of active Zoning By-law Amendment, Official Plan Amendment and Plan of Subdivision Applications have been divided, relative to the statutory timeframe provisions of the *Planning Act*, that were in effect pursuant to statutory timeframes prescribed in *Bill 73* and *Bill 139* and new statutory timeframes prescribed in *Bill 108*.

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OUR Vision: To be the best place to raise a child and age successfully.

OUR Mission: To provide high quality cost conscious public services that contribute to a healthy, safe and prosperous community, in a sustainable manner.

OUR Culture: Collective Ownership, Steadfast Integrity, Courageous Change, Sensational Service, Engaged Empowered Employees.

**SUBJECT: Active Official Plan Amendment, Zoning By-law Amendment, and Plan of Subdivision Applications (PED22127) (City Wide) - Page 2 of 4**

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**Applications Deemed Complete Prior to Royal Assent of Bill 139 (December 12, 2017)**

Attached as Appendix “A” to Report PED22127 is a table outlining the active Applications received prior to December 12, 2017 sorted by Ward, from oldest Application to newest. As of May 4, 2022, there were:

- 5 active Official Plan Amendment Applications, all of which were submitted after July 1, 2016, and therefore subject to the 90 day extension to the statutory timeframe from 180 days to 270 days;
- 8 active Zoning By-law Amendment Applications; and,
- 5 active Plan of Subdivision Applications.

Within 60 to 90 days of May 4, 2022, all eight development proposals have passed the applicable 120, 180 and 270 day statutory timeframes.

**Applications Deemed Complete After Royal Assent of Bill 139 (December 12, 2017)**

Attached as Appendix “B” to Report PED22127 is a table outlining the active Applications received after December 12, 2017, but before Royal Assent of Bill 108, sorted by Ward, from oldest Application to newest. As of May 4, 2022, there were:

- 5 active Official Plan Amendment Applications, all of which are subject to the 90 day extension to the statutory timeframe from 210 days to 300 days;
- 10 active Zoning By-law Amendment Applications; and,
- 4 active Plan of Subdivision Applications.

Within 60 to 90 days of May 4, 2022, all 10 development proposals have passed the applicable 150, 180 or 300 day statutory timeframes.



**SUBJECT: Active Official Plan Amendment, Zoning By-law Amendment, and Plan of Subdivision Applications (PED22127) (City Wide) - Page 3 of 4**

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**Applications Deemed Complete After Royal Assent of Bill 108 (September 3, 2019)**

Attached as Appendix “C” to Report PED22127 is a table outlining the active Applications received after September 3, 2019, and subject to the new statutory timeframes, sorted by Ward, from oldest Application to newest. As of May 4, 2022, there were:

- 33 active Official Plan Amendment Applications;
- 61 active Zoning By-law Amendment Applications; and,
- 15 active Plan of Subdivision Applications.

As of May 4, 2022, 17 development proposals are approaching the 90 or 120 day statutory timeframe and will be eligible for appeal. Forty-seven (47) development proposals have passed the 90 or 120 day statutory timeframe.

**Planning Division Active Files**

Combined to reflect property addresses, there are 83 active development proposals. Twenty-three (23) proposals are 2022 files (28%), 23 proposals are 2021 files (28%), 16 proposals are 2020 files (19%) and 21 proposals are pre-2020 files (25%).

Staff continue to work with the AMANDA Implementation Team to add enhancements to the database that will allow for the creation of more detailed reporting. As a result, future tables will include a qualitative analysis of the status of active Applications. Furthermore, the long-term goal of the Planning Division is to make this information available on an interactive map accessed through the City of Hamilton website, and an e-mail system will provide notification of when a new application is received.

**Current Non-Decision Appeals to the Ontario Land Tribunal**

At the February 2, 2021 Planning Committee meeting, Planning Committee requested that information be reported relating to development Applications that have been appealed for non-decision to the Ontario Land Tribunal. Attached as Appendix “D” to Report PED22127 is a table outlining Development Applications, along with the applicant/agent, that have been appealed for non-decision to the Ontario Land Tribunal. There are currently 12 active appeals for non-decision. Third party appeals are not included in this information as Council has made a decision to approve the Application.

**SUBJECT: Active Official Plan Amendment, Zoning By-law Amendment, and  
Plan of Subdivision Applications (PED22127) (City Wide) - Page 4 of 4**

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**APPENDICES AND SCHEDULES ATTACHED**

Appendix "A" to Report PED22127 - List of Active Development Applications (prior to December 12, 2017)

Appendix "B" to Report PED22127 - List of Active Development Applications (after December 12, 2017)

Appendix "C" to Report PED22127 - List of Active Development Applications (after September 3, 2019)

Appendix "D" to Report PED22127 - *Planning Act* Applications Currently Appealed for Non-Decision to the Ontario Land Tribunal

SE:sd

**Active Development Applications  
Deemed Complete Prior to December 12, 2017  
(Effective May 4, 2022)**

File	Address	Date Received	Date <sup>1</sup> Deemed Incomplete	Date <sup>1</sup> Deemed Complete	120 day cut off (Rezoning)	180 day cut off (Plan of Sub)	270 day cut off OPA*	Applicant/ Agent	Days Since Received and/or Deemed Complete as of May 4, 2022
<b>Ward 7</b>									
UHOPA-17-31 ZAC-17-071	1625 - 1655 Upper James Street, Hamilton	27-Sep-17	n/a	02-Oct-17	25-Jan-18	n/a	24-Jun-18	MB1 Development Consulting Inc.	1707
<b>Ward 9</b>									
UHOPA-16-26 ZAC-16-065 25T-201611	478 and 490 First Road West, Stoney Creek	12-Oct-16	n/a	02-Nov-16	09-Feb-17	10-Apr-17	09-Jul-17	T. Johns Consultants Inc.	2057
UHOPA-16-27 ZAC-16-066 25T-201612	464 First Road West, Stoney Creek	12-Oct-16	n/a	02-Nov-16	09-Feb-17	n/a	09-Jul-17	T. Johns Consultants Inc.	2057
UHOPA-17-01 ZAC-17-001 25T-201701	15 Ridgeview Drive, Stoney Creek	02-Dec-16	n/a	16-Dec-16	01-Apr-17	31-May- 17	29-Aug-17	A.J. Clarke & Associates Ltd.	2006
ZAC-15-040	9 Glencrest Avenue, Stoney Creek	02-Jul-15	n/a	17-Jul-15	30-Oct-15	n/a	n/a	WEBB Planning Consultants Inc.	2525

**Active Development Applications  
Deemed Complete Prior to December 12, 2017  
(Effective May 4, 2022)**

File	Address	Date Received	Date <sup>1</sup> Deemed Incomplete	Date <sup>1</sup> Deemed Complete	120 day cut off (Rezoning)	180 day cut off (Plan of Sub)	270 day cut off OPA*	Applicant/ Agent	Days Since Received and/or Deemed Complete as of May 4, 2022
<b>Ward 10</b>									
UHOPA-17-05 ZAC-17-015 25T-201703	1, 19, 20, 21, 23, 27 and 30 Lakeside Drive and 81 Waterford Crescent, Stoney Creek	23-Dec-16	n/a	17-Jan-17	22-Apr-17	21-Jun-17	19-Sep-17	IBI Group	1985
<b>Ward 12</b>									
ZAC-16-006 25T-201602	285, 293 Fiddlers Green Road, Ancaster	23-Dec-15	n/a	06-Jan-16	21-Apr-16	20-Jun-16	n/a	Liam Doherty	2351
ZAC-17-062	45 Secinaro Avenue, Ancaster	28-Jul-17	n/a	01-Aug-17	25-Nov-17	n/a	n/a	T. Johns Consultants Inc.	1768

**Active Development Applications  
Deemed Complete Prior to December 12, 2017  
(Effective May 4, 2022)**

Active Development Applications

1. When an Application is deemed incomplete, the new deemed complete date is the day the new materials are submitted. In these situations, the 120, 180 and 270 day timeframe commences on the date the new materials were submitted. In all other situations, the 120, 180 and 270 day timeframe commences the day the Application was received.
  
- \* In accordance with Section 17 (40.1) of the *Planning Act*, the City of Hamilton has extended the approval period of Official Plan Amendment Applications by 90 days from 180 days to 270 days. However, Applicants can terminate the 90 day extension if written notice to the Municipality is received prior to the expiration of the 180 statutory timeframe.

**Active Development Applications  
Deemed Complete After December 12, 2017  
(Effective May 4, 2022)**

File	Address	Date Received	Date <sup>1</sup> Deemed Incomplete	Date <sup>1</sup> Deemed Complete	150 day cut off (Rezoning)	180 day cut off (Plan of Sub.)	300 day cut off (OPA)	Applicant/Agent	Days since Received and/or Deemed Complete as of May 4, 2022
<b>Ward 2</b>									
ZAR-19-008	124 Walnut Street South, Hamilton	21-Dec-18	n/a	18-Jan-19	20-May-19	n/a	n/a	IBI Group	1257
<b>Ward 6</b>									
ZAC-19-035	694 Pritchard Road, Stoney Creek	08-May-19	n/a	21-May-19	05-Oct-19	n/a	n/a	Urban in Mind Planning Consultants	1119
<b>Ward 8</b>									
ZAC-19-017	1020 Upper James Street, Hamilton	28-Feb-19	n/a	11-Mar-19	28-Jul-19	n/a	n/a	Wellings Planning Consultants Inc.	1188
UHOPA-19-003* ZAC-19-007 25T-2019001	238 Barton Street, Stoney Creek	19-Dec-18	n/a	02-Jan-19	n/a	17-Jun-19	15-Oct-19*	A.J. Clarke & Associates Ltd.	1259
<b>Ward 11</b>									
UHOPA-18-016* ZAC-18-040 25T-2018007	9511 Twenty Road West, Glanbrook	10-Jul-18	n/a	15-Aug-18	n/a	06-Jan-19	06-May-19*	Corbett Land Strategies	1421
<b>Ward 12</b>									
ZAC-18-048 25T-2018009	387, 397, 405 and 409 Hamilton Drive, Ancaster	09-Sep-18	n/a	28-Sep-18	06-Feb-19	08-Mar-19	n/a	Fothergill Planning & Development Inc.	1360

**Active Development Applications  
Deemed Complete After December 12, 2017  
(Effective May 4, 2022)**

File	Address	Date Received	Date <sup>1</sup> Deemed Incomplete	Date <sup>1</sup> Deemed Complete	150 day cut off (Rezoning)	180 day cut off (Plan of Sub.)	300 day cut off (OPA)	Applicant/Agent	Days since Received and/or Deemed Complete as of May 4, 2022
<b>Ward 12 Continued</b>									
.UHOPA-18-022* ZAC-18-056 25T-2018010	26 Southcote Road, Ancaster	05-Nov-18	n/a	15-Nov-18	n/a	04-May-19	01-Sep-19*	A.J. Clarke & Associates Ltd.	1303
UHOPA-18-024* ZAC-18-058	154 Wilson Street East, Ancaster	28-Nov-18	n/a	10-Dec-18	n/a	n/a	24-Sep-19*	Urban Solutions Planning & Land Development	1280
<b>Ward 14</b>									
ZAC-19-011	1933 Old Mohawk Road, Ancaster	12-Dec-18	n/a	10-Jan-19	11-May-19	n/a	n/a	Urban Solutions Planning & Land Development	1266
<b>Ward 15</b>									
RHOPA-18-020* ZAC-18-045	173 and 177 Dundas Street East, Flamborough	23-Jul-18	n/a	15-Aug-18	n/a	n/a	19-May-19*	MHBC Planning Limited	1408

**Active Development Applications  
Deemed Complete After December 12, 2017  
(Effective May 4, 2022)**

Active Development Applications

1. When an Application is deemed incomplete, the new deemed complete date is the day the new materials are submitted. In these situations, the 150, 180, 210 and 300 day timeframe commences on the date the new materials were submitted. In all other situations, the 150, 180, 210 and 300 day timeframe commences the day the Application was received.
  
- \* In accordance with Section 34 (11.0.0.0.1), of the *Planning Act*, the approval period for Zoning By-law Amendment Applications submitted concurrently with an Official Plan Amendments, will be extended to 210 days.
- \* In accordance with Section 17 (40.1) of the *Planning Act*, the City of Hamilton has extended the approval period of Official Plan Amendment Applications by 90 days from 210 days to 300 days. However, Applicants can terminate the 90 day extension if written notice to the Municipality is received prior to the expiration of the 210 statutory timeframe.



**Active Development Applications  
Deemed Complete After September 3, 2019  
(Effective May 4, 2022)**

File	Address	Date Received	Date <sup>1</sup> Deemed Incomplete	Date <sup>1</sup> Deemed Complete	90 day cut off (Rezoning)	120 day cut off (OPA or Plan of Sub)	Applicant/Agent	Days Since Received and/or Deemed Complete as of May 4, 2022
<b>Ward 1</b>								
UHOPA-20-012 ZAC-20-016	1107 Main Street West, Hamilton	13-Feb-20	n/a	13-Mar-20	n/a	12-Jun-20	Bousfields Inc.	838
UHOPA-20-027 ZAC-20-042	1629-1655 Main Street West, Hamilton	2-Nov-20	n/a	1-Dec-20	n/a	02-Mar-21	GSP Group	569
UHOPA-22-005 ZAC-22-012	200 Market Street, 55 Queen Street North, Hamilton	19-Jan-22	n/a	19-Jan-22	n/a	19-May-22	GSP Group	104
<b>Ward 2</b>								
UHOPA-20-001 ZAR-20-001	383 and 383 1/2 Hughson Street North, Hamilton	29-Nov-19	n/a	29-Dec-19	n/a	28-Mar-20	T. Johns Consulting Group	914
UHOPA-20-025 ZAC-20-038	115 George Street and 220-222 Main Street West, Hamilton	04-Sep-20	n/a	28-Sep-20	n/a	02-Jan-21	GSP Group	634
UHOPA-21-007 ZAC-21-014	101 Hunter Street East, Hamilton	23-Mar-21	n/a	8-Apr-21	n/a	21-Jul-21	Coletara Developments	434
ZAC-21-020	221 Charlton Avenue East, Hamilton	26-Apr-21	n/a	06-May-21	25-Jul-21	n/a	T. Johns Consulting Ltd.	400

**Active Development Applications  
Deemed Complete After September 3, 2019  
(Effective May 4, 2022)**

File	Address	Date Received	Date <sup>1</sup> Deemed Incomplete	Date <sup>1</sup> Deemed Complete	90 day cut off (Rezoning)	120 day cut off (OPA or Plan of Sub)	Applicant/Agent	Days Since Received and/or Deemed Complete as of May 4, 2022
<b>Ward 2 Continued</b>								
UHOPA-21-014 ZAC-21-031	405 James Street North, Hamilton	07-July-21	n/a	19-July-2021	n/a	03-Nov-2021	Jamesville Redevelopment Ltd. CityHousing Hamilton	317
UHOPA-22-001 ZAC-22-003	65 Guise Street, Hamilton	15-Nov-21	n/a	18-Nov-21	n/a	15-Mar-22	James Webb Consulting Inc.	165
UHOPA-22-014 ZAC-22-014	186 Hunter Street East, Hamilton	19-Jan-22	n/a	21-Jan-22	n/a	19-May-22	Urban Solutions Planning and Land Development	102
<b>Ward 3</b>								
ZAC-22-019	16 Steven, and 436 King William Street, Hamilton	4-Feb-22	n/a	15-Feb-22	5-May-22	n/a	T.Johns Consulting Ltd.	78
<b>Ward 4</b>								
UHOPA-21-009 ZAC-21-021	1842 King Street East, Hamilton	07-May-21	n/a	13-May-21	n/a	04-Sep-21	Urban Solutions Planning and Land Development	386
<b>Ward 5</b>								
UHOPA-21-019 ZAC-21-041	510 Centennial Parkway, Stoney Creek	22-Sep-21	n/a	22-Sep-21	n/a	20-Jan-22	Smart Centres REIT	251

**Active Development Applications  
Deemed Complete After September 3, 2019  
(Effective May 4, 2022)**

File	Address	Date Received	Date <sup>1</sup> Deemed Incomplete	Date <sup>1</sup> Deemed Complete	90 day cut off (Rezoning)	120 day cut off (OPA or Plan of Sub)	Applicant/Agent	Days Since Received and/or Deemed Complete as of May 4, 2022
<b>Ward 5 Continued</b>								
ZAC-21-043	300 Albright Road, Hamilton	29-Sep-21	n/a	30-Sep-21	04-Jan-22	n/a	MHBC Planning Ltd.	244
ZAC-22-007	1117 Beach Boulevard, Hamilton	01-Dec-21	n/a	01-Dec-21	01-Mar-22	n/a	Design Plan Services Inc.	152
ZAC-22-013	200 Centennial Parkway North, Hamilton	19-Jan-22	n/a	20-Jan-22	19-April-22	n/a	Calloway REIT (Stoney Creek) Inc.	103
UHOPA-22-009 ZAC-22-018	651 Queenston Road, Hamilton	27-Jan-22	n/a	16-Feb-22	n/a	27-May-22	A.J. Clarke & Associates Ltd.	97
UHOPA-22-012 ZAC-22-023	2782 Barton Street East, Hamilton	17-Mar-22	n/a	n/a	n/a	14-July-222	A.J. Clarke & Associates Ltd.	48
UHOPA-22-016 ZAC-22-030	399 Greenhill Avenue, Stoney Creek	26-Apr-22	n/a	27-Apr-22	n/a	28-July-22	Bousfields Inc.	7
<b>Ward 7</b>								
UHOPA-20-021 ZAC-20-037 25T-202006	544 and 550 Rymal Road East, Hamilton	11-Sep-20	n/a	11-Oct-20	n/a	09-Jan-20	Rymal East Development Corp.	627
ZAC-21-023	1540 Upper Wentworth Street, Hamilton	14-Jun-21	n/a	21-Jun-21	12-Sep-21	n/a	T. Johns Consulting Group	344
UHOPA-21-012 ZAC-21-026	705-713 Rymal Road East, Hamilton	2-July-21	n/a	27-July-21	n/a	30-Oct-21	Wellings Planning Consultants Inc.	309

**Active Development Applications  
Deemed Complete After September 3, 2019  
(Effective May 4, 2022)**

File	Address	Date Received	Date <sup>1</sup> Deemed Incomplete	Date <sup>1</sup> Deemed Complete	90 day cut off (Rezoning)	120 day cut off (OPA or Plan of Sub)	Applicant/Agent	Days Since Received and/or Deemed Complete as of May 4, 2022
<b>Ward 7 Continued</b>								
ZAC-22-016	48 Miles Road, Hamilton	25-Jan-22	n/a	10-Feb-22	25-Apr-22	n/a	IBI Group	82
<b>Ward 8</b>								
ZAC-19-056	11 Springside Crescent, Hamilton	26-Nov-19	n/a	06-Dec-19	25-Mar-20	n/a	Urban in Mind Planning Consultants	917
ZAC-20-018	212 and 220 Rymal Road West, Hamilton	20-Feb-20	n/a	16-Mar-20	19-Jun-20	n/a	T. Johns Consulting Group	831
UHOPA-20-017 ZAC-20 029 25T-202003	393 Rymal Road West, Hamilton	20-Jul-20	n/a	19-Aug-20	n/a	17-Nov-20	GSP Group Inc.	680
UHOPA-21-011 ZAC-21-025	60 Caledon Avenue, Hamilton	02-Jul-21	n/a	08-Jul-21	n/a	05-Nov-21	GSP Group Inc.	328
ZAC-21-029 25T-202108	204, 212, 220, 226 Rymal Road West, Hamilton	05-July-21	n/a	09-Aug-21	n/a	02-Nov-21	T. Johns Consulting Group	296
ZAC-22-024 25T-202204	1456-1460 Upper James Street, Hamilton	28-Mar-22	n/a	08-Apr-22	n/a	26-Jul-22	A.J. Clarke & Associates	37

**Active Development Applications  
Deemed Complete After September 3, 2019  
(Effective May 4, 2022)**

File	Address	Date Received	Date <sup>1</sup> Deemed Incomplete	Date <sup>1</sup> Deemed Complete	90 day cut off (Rezoning)	120 day cut off (OPA or Plan of Sub.)	Applicant/Agent	Days Since Received and/or Deemed complete as of May 4, 2022
<b>Ward 9</b>								
ZAC-20-004	329 Highland Road West, Stoney Creek	20-Dec-19	n/a	16-Jan-20	18-Apr-20	n/a	WEBB Planning Consultants Inc.	893
UHOPA-20-010 ZAC-20-015 25T-200303R	2080 Rymal Road East, Glanbrook	20-Dec-19	20-Jan-20	31-Jan-20	n/a	19-May-20	A.J. Clarke & Associates Ltd.	851
ZAC-20-026	250 First Road West, Stoney Creek	20-Jul-20	n/a	24-Jul-20	30-Sep-20	n/a	Urban Solutions Planning and Land Development	698
UHOPA-21-016 ZAC-21-033	136 and 144 Upper Mount Albion Road, Stoney Creek	15-Jul-21	n/a	n/a	n/a	12-Nov-21	Bousfields Inc.	320
ZAC-22-001	2153, 2155, and 2157 Rymal Road East, Stoney Creek	4-Nov-21	n/a	n/a	2-Feb-22	n/a	Weston Consulting	180
ZAC-22-029 25T-202206	481 First Road W., Stoney Creek	22-Apr-22	n/a	n/a	n/a	24-Jul-22	Kuok Kei Hong	12
<b>Ward 10</b>								
ZAC-19-036	564 Fifty Road, Stoney Creek	08-May-19	28-May-19	16-Mar-20	n/a	n/a	DeFilippis Design	812
UHOPA-21-018 ZAC-21-039	1400 South Service Road, Stoney Creek	10-Sep-21	n/a	16-Sep-21	n/a	14-Jan-22	MHBC Planning Ltd.	257

**Active Development Applications  
Deemed Complete After September 3, 2019  
(Effective May 4, 2022)**

File	Address	Date Received	Date <sup>1</sup> Deemed Incomplete	Date <sup>1</sup> Deemed Complete	90 day cut off (Rezoning)	120 day cut off (OPA or Plan of Sub.)	Applicant/Agent	Days Since Received and/or Deemed complete as of May 4, 2022
<b>Ward 11</b>								
ZAC-20-019	9255 Airport Road, Glanbrook	25-Feb-20	n/a	16-Mar-20	25-May-20	n/a	The MBTW Group	826
25T-202002	9326 and 9322 Dickenson Road, Glanbrook	16-May-20	n/a	09-Apr-20	n/a	07-Aug-20	WEBB Planning Consultants Inc.	809
UHOPA-21-001 ZAC-21-001 25T-202101	3169 Fletcher Road, Glanbrook	14-Dec-20	n/a	12-Jan-21	n/a	12-May-21	A.J. Clarke & Associates Ltd.	533
UHOPA-21-006 ZAC-21-011	582 and 584 Hwy. 8, Stoney Creek	08-Feb-21	n/a	08-Mar-21	n/a	21-Jul-21	SIMNAT Consulting Inc.	477
ZAC-21-024	3435 Binbrook Road, Glanbrook	21-Jun-21	n/a	06-Jul-21	19-Sep-21	n/a	Armstrong Planning	329
UHOPA-21-015 ZAC-21-032	5020 Tyneside Road, Stoney Creek	05-July-21	n/a	30-July-21	n/a	02-Nov-21	LandPro Planning Solutions	306
ZAC-21-045	541 and 545 Fifty Road, Stoney Creek	04-Oct-21	n/a	12-Oct-21	02-Jan-22	n/a	IBI Group	231

**Active Development Applications  
Deemed Complete After September 3, 2019  
(Effective May 4, 2022)**

File	Address	Date Received	Date <sup>1</sup> Deemed Incomplete	Date <sup>1</sup> Deemed Complete	90 day cut off (Rezoning)	120 day cut off (OPA or Plan of Sub.)	Applicant/Agent	Days Since Received and/or Deemed complete as of May 4, 2022
<b>Ward 11 Continued</b>								
ZAC-22-008 25T-202201	3479 Binbrook Road, Binbrook	10-Jan-22	n/a	24-Jan-22	n/a	10-May-22	Metropolitan Consulting	89
UHOPA-22-007 ZAC-22-015	526 Winona Road, Stoney Creek	21-Jan-22	n/a	1-Feb-22	n/a	5-May-22	Urban Solutions Planning & Land Development	92
UHOPA-22-008 ZAC-22-017	3054 Homestead Drive, Hamilton	27-Jan-22	n/a	10-Feb-22	n/a	25-May-22	Urban Solutions Planning & Land Development	83
UHOPA-22-020 ZAC-22-010 25T-2022003	3250 & 3260 Homestead Drive, Hamilton	17-Feb-22	n/a	8-Mar-22	n/a	17-June-22	Urban Solutions Planning & Land Development	77
UHOPA-22-014 ZAC-22-027 25T-202205	2876 Upper James Street, Glanbrook	05-Apr-22	n/a	05-Apr-22	n/a	03-Aug-22	Rice Group	29
<b>Ward 12</b>								
25T-200720R (2019 File)	1020 Osprey Drive, Ancaster	15-Apr-19	30-Aug-19	11-Dec-19	n/a	02-Apr-20	Coltara Development / 1892757 Ontario INC.	902

**Active Development Applications  
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(Effective May 4, 2022)**

File	Address	Date Received	Date <sup>1</sup> Deemed Incomplete	Date <sup>1</sup> Deemed Complete	90 day cut off (Rezoning)	120 day cut off (OPA or Plan of Sub.)	Applicant/Agent	Days Since Received and/or Deemed complete as of May 4, 2022
<b>Ward 12 Continued</b>								
UHOPA-20-013 ZAC-20-017	210 Calvin Street, Ancaster	18-Feb-20	04-Mar-20	11-Jun-20	n/a	09-Oct-20	SGL Planning & Design Inc.	719
ZAC-20-024	140 Wilson Street West, Ancaster	15-Jun-20	n/a	02-Jul-20	13-Sep-20	n/a	A.J. Clarke & Associates Ltd.	715
ZAR-20-040	1552 Concession 2 West, Flamborough	15-Oct-20	n/a	29-Oct-20	13-Jan-21	n/a	Urban in Mind	869
25T-202102	370 Garner Road East, Ancaster	18-Dec-20	n/a	22-Jan-21	n/a	17-Apr-21	A.J. Clarke & Associates Ltd.	529
25T-202105	700 Garner Road East, Ancaster	18-Jan-21	n/a	04-Feb-21	n/a	18-May-21	MHBC Planning Ltd.	498
ZAC-21-027	140 and 164 Sulphur Springs Road, Ancaster	05-Jul-21	n/a	16-July-21	02-Oct-21	n/a	Fothergill Planning & Development Inc.	320
UHOPA-22-002 ZAC-22-005	487 Shaver Road, Ancaster	2-Nov-21	n/a	17-Nov-21	n/a	2-Mar-22	GSP Group Inc	166



**Active Development Applications  
Deemed Complete After September 3, 2019  
(Effective May 4, 2022)**

File	Address	Date Received	Date <sup>1</sup> Deemed Incomplete	Date <sup>1</sup> Deemed Complete	90 day cut off (Rezoning)	120 day cut off (OPA or Plan of Sub.)	Applicant/Agent	Days Since Received and/or Deemed complete as of May 4, 2022
<b>Ward 12 Continued</b>								
ZAC-22-025	1019 Wilson Street W, Ancaster	28-Mar-22	n/a	7-Apr-22	26-June-22	n/a	MHBC Planning Ltd.	37
<b>Ward 13</b>								
ZAC-21-003	125 Pirie Drive, Dundas	23-Dec-20	n/a	22-Jan-21	23-Mar-21	n/a	Wellings Planning Consultants	497
<b>Ward 14</b>								
ZAR-22-004	12 Louisa Street, Flamborough	15-Nov-21	n/a	23-Nov-21	13-Feb-22	n/a	MB1 Development Consulting Inc.	160
UHOPA-22-015 ZAC-22-028	631 & 639 Rymal Road West, Hamilton	22-Apr-22	n/a	28-Apr-22	n/a	29-July-22	Bousfields Inc.	12
<b>Ward 15</b>								
ZAC-20-006	518 Dundas Street East, Dundas	23-Dec-19	n/a	22-Jan-20	n/a	21-Apr-20	Urban Solutions Planning and Land Development	863
UHOPA-21-003 ZAC-21-007 25T-202103	562 Dundas Street East, Flamborough	23-Dec-20	n/a	08-Feb-21	n/a	22-Apr-21	Metropolitan Consulting Inc.	497
ZAC-21-017	265 Mill Street South, Flamborough	8-Apr-21	n/a	12-Apr-21	7-Jul-21	n/a	IBI Group	391

**Active Development Applications  
Deemed Complete After September 3, 2019  
(Effective May 4, 2022)**

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<b>Ward 15 Continued</b>								
UHOPA-22-017 ZAC-22-031	306-308 Parkside Drive, Flamborough	27-Apr-22	n/a	n/a	n/a	29-Jul-22	MHBC Planning Ltd.	7

Active Development Applications

1. When an Application is deemed incomplete, the new deemed complete date is the day the new materials are submitted. In these situations, the 90 and 120 day timeframe commences on the date the new materials were submitted. In all other situations, the 90 and 120 day timeframe commences the day the Application was received.

**Planning Act Applications  
Currently Appealed for Non-Decision to the  
Ontario Land Tribunal (OLT)  
(Effective April 19, 2022)**

<b>Ward</b>	<b>Address</b>	<b>Applicant /Agent</b>	<b>Date Appeal Received</b>
<b>Ward 1</b>			
1	354 King Street West, Hamilton	GSP Group	July 2021
<b>Ward 2</b>			
2	299-307 John Street South, Hamilton	Urban Solutions Planning & Land Development Consultants Inc.	November 2021
<b>Ward 9</b>			
3	157 Upper Centennial Parkway, Stoney Creek	WEBB Planning Consultants Inc.	September 2017
<b>Ward 10</b>			
4	1036, 1038, 1054, 1090 Barton Street, and 262 McNeilly Road, Stoney Creek	Glen Schnarr & Associates Inc.	November 2021
5	860, and 884 Barton Street, Stoney Creek	MHBC Planning Limited	March 2022

**Planning Act Applications  
Currently Appealed for Non-Decision to the  
Ontario Land Tribunal (OLT)  
(Effective April 19, 2022)**

<b>Ward</b>	<b>Address</b>	<b>Applicant /Agent</b>	<b>Date Appeal Received</b>
<b>Ward 11</b>			
6	3033, 3047, 3055 and 3063 Binbrook Road, Glanbrook (Binbrook)	GSP Group	August 2017
7	3355 Golf Club Road, Glanbrook	Corbett Land Strategies Inc.	June 2021
<b>Ward 12</b>			
8	140 Garner Road, Ancaster	MHBC Planning Limited	February 2022
<b>Ward 14</b>			
9	801-870 Scenic Drive, Hamilton	Valery Developments Inc.	May 2021
<b>Ward 15</b>			
10	609 and 615 Hamilton Street North and 3 Nesbit Boulevard and 129 – 137 Trudell Circle, Flamborough (Waterdown)	Urban Solutions Planning and Land Development Consultants Inc.	October 2017
11	111 Silverwood Drive (111 Parkside Drive, Flamborough (Waterdown)	Metropolitan Consulting Inc.	October 2017
12	30, 36 and 42 Dundas Street East, 50 Horseshoe Crescent, and 522 Highway 6, Flamborough	MHBC Planning	August 2021



**CITY OF HAMILTON**  
**PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT**  
**Planning Division**

<b>TO:</b>	Chair and Members Planning Committee
<b>COMMITTEE DATE:</b>	June 14, 2022
<b>SUBJECT/REPORT NO:</b>	City of Hamilton's Response to Provincial Bill 109 – Implementation of Legislative Changes to Site Plan Approval (PED22112(a)) (City Wide)
<b>WARD(S) AFFECTED:</b>	City Wide
<b>PREPARED BY:</b>	Tiffany Singh (905) 546-2424 Ext. 1221
<b>SUBMITTED BY:</b>	Steve Robichaud Director, Planning and Chief Planner Planning and Economic Development Department
<b>SIGNATURE:</b>	

### RECOMMENDATION

- (a) That By-laws No. 03-295 and No. 07-325 be repealed in their entirety;
- (b) That the draft by-law regarding the legislative changes relating to site plan approval attached as Appendix “A” to Report PED22112(a), which has been prepared in a form satisfactory to the City Solicitor, be enacted by City Council.

### EXECUTIVE SUMMARY

On April 14, 2022 Bill 109, the *More Homes for Everyone Act, 2022* received Royal Assent.

Among other changes, Bill 109 amended Section 41 of the *Planning Act* to require a Council to appoint an officer, employee or agent of the municipality as an authorized person to approve site plans; whereas, previously Council was the approval authority unless delegated to staff. This requirement will apply to all site plan control Applications received on or after July 1, 2022.

Since 2001, site plan approval has been delegated to staff. The City of Hamilton has been a leader in employing delegated site plan authority as a streamlining measure

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**SUBJECT: City of Hamilton's Response to Provincial Bill 109 – Implementation of Legislative Changes to Site Plan Approval (PED22112(a)) (City Wide) - Page 2 of 5**

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based on a best practice review of the site plan process as part of the amalgamation of the former municipalities in 2001.

However, the current delegated authority by-laws currently in force refer to the “authority of the Council of the City of Hamilton”, whereas Bill 109 stipulates that a council “shall appoint” an officer, employee or agent of the municipality as an authorized person for the purposes of site plan approvals.

In addition, the organizational structure of the Planning Division was changed in October 2021. This reorganization had the effect of creating new positions, changing existing position titles, and realigning functional duties within the Planning Division. As such, it is now the Manager of Heritage and Urban Design that oversees the day to day administration of site plan control Applications.

Based on the foregoing, By-Laws No.03-295 and No. 07-325 related to delegated authority for site plan approval must be repealed and replaced with a new by-law responding to Bill 109 changes and using appropriate staff titles for housekeeping purposes. The new by-law is attached as Appendix “A” to Report PED22112(a).

**Alternatives for Consideration – Not Applicable**

**FINANCIAL – STAFFING – LEGAL IMPLICATIONS**

Financial: Not Applicable

Staffing: Not Applicable

Legal: Bill 109, *More Homes for Everyone Act, 2022* received Royal Assent on April 124, 2022. Subsection 41(4.0.1) of the *Planning Act*, as amended, requires that municipal councils appoint an officer, employee or agent of the municipality to make decisions on site plan control Applications for all site plan control Applications received on or after July 1, 2022.

**HISTORICAL BACKGROUND**

On December 6, 2021, the Province of Ontario created a Housing Affordability Task Force (HATF) consisting of nine members with a mandate to determine ways to address housing affordability across the Province.

On January 19, 2022, the Minister of Municipal Affairs and Housing hosted a Provincial Municipal Housing Summit for Ontario's Big City Mayors and Regional Chairs. The purpose of the Summit was to identify further opportunities for collaboration between all

**SUBJECT: City of Hamilton's Response to Provincial Bill 109 – Implementation of Legislative Changes to Site Plan Approval (PED22112(a)) (City Wide) - Page 3 of 5**

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levels of government to address the housing affordability crisis and to develop performance indicators that governments can use to accelerate and incent new housing supply.

On February 8, 2022, the Province received and released a report from the HATF, which included 58 recommendations intended to increase the supply of market housing.

On March 30, 2022 Council endorsed Report PED22071 containing staff-level responses to the HATF recommendations, identifying where clarity was needed, potential implications, and gaps of information.

On March 30, 2022, the Province of Ontario released the More Homes for Everyone Plan and introducing Bill 109, the *More Homes for Everyone Act, 2022*.

On April 8<sup>th</sup>, 2022 Council approved Report PED22112 containing staff-level responses to Bill 109 and directed staff to prepare necessary amendments to the Urban Hamilton Official Plan and Rural Hamilton Official Plan, as well as any other required policies and procedures, to give effect to the proposed changes. Staff were also directed to undertake an analysis of staffing impacts across the organization as well as financial implications and to report back to Planning Committee.

Bill 109 received Royal Assent on April 14, 2022. The Bill makes significant changes to the *Planning Act*; the *City of Toronto Act, 2006*; the *Development Charges Act, 1997*; the *New Home Construction Licensing Act, 2017*; and the *Ontario New Home Warranties Plan Act* in an effort to, among other goals, incentivize the timely processing of certain Applications to bring housing to market and increase transparency.

One change to Section 41 of the *Planning Act* was the introduction of a requirement that municipal councils appoint an officer, employee or agent of the municipality to make decisions on site plan control Applications for all site plan control Applications received on or after July 1, 2022. This Report PED22112(a) proposes to amend the City's existing delegated authority by-laws to ensure it complies with the legislative requirements of Bill 109 before the change takes effect. Many of the other legislative changes relating to Application fees, etc. made by Bill 109 will not come into force and effect until January 1, 2023.

**SUBJECT: City of Hamilton's Response to Provincial Bill 109 – Implementation of Legislative Changes to Site Plan Approval (PED22112(a)) (City Wide) - Page 4 of 5**

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## **POLICY IMPLICATIONS AND LEGISLATED REQUIREMENTS**

No policies are affected by the proposed housekeeping By-law responding to Bill 109 amendments to Section 41 of the *Planning Act*.

## **RELEVANT CONSULTATION**

Legal Services staff have been consulted on the drafted by-law attached as Appendix “A” to Report PED22112(a) has been prepared in a satisfactory form complying with the new regulations as per Bill 109, *More Homes for Everyone Act* and that it adequately replaces By-laws No. 03-295 and No. 07-325 (to be repealed).

## **ANALYSIS AND RATIONALE FOR RECOMMENDATION**

Due to the legislative changes from Bill 109 requiring that municipal councils “shall appoint” an officer, employee or agent of the municipality site plan approval authority, and due to recent organizational changes that have occurred in the Planning Division, a housekeeping by-law is required. The new by-law will replace various by-laws related to delegated authority for site plan approval to reflect new legislative wording and the new position titles of appointed staff. As per Bill 109 changes, the Director of Planning and Chief Planner will be appointed and delegates site plan approval authority to the Manager, Heritage and Urban Design or anyone else identified by the Director of Planning and Chief Planner. These administrative changes will ensure there are no issues related to identification of the appropriate Delegated Authority.

It should also be noted that this Report PED22112(a) is the first of a series of forthcoming reports intended to address the other legislative *Planning Act* changes made by Bill 109. Forthcoming reports will address processes, fees, staffing levels and other matters which have broader implications for the Planning and Economic Development Department, other City departments, and partner agencies such as the conservation authorities that review and comment on development Applications as follows:

- An analysis of development planning Application fees, staffing impacts across the organization, and the financial implications of these components; and,
- An analysis of process changes needed to address legislated Application fee refunds for Zoning By-law Amendment and Official Plan Amendment (when jointly submitted with a Zoning By-law Amendment) decisions, and site plan approvals.



**SUBJECT: City of Hamilton's Response to Provincial Bill 109 – Implementation of Legislative Changes to Site Plan Approval (PED22112(a)) (City Wide) - Page 5 of 5**

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Necessary amendments to the Urban Hamilton Official Plan and Rural Hamilton Official Plan, to update requirements for complete Applications. Develop terms of references for material and other information required to deem *Planning Act* Applications for Official Plan Amendment, Zoning By-law Amendment, draft plan of subdivision, and site plan Applications complete.

The intent is to provide staff recommendations to Council on these additional matters prior to the additional legislated requirements slated to come into force and effect on January 1, 2023.

## **ALIGNMENT TO THE 2016 – 2025 STRATEGIC PLAN**

### **Community Engagement and Participation**

Hamilton has an open, transparent and accessible approach to City government that engages with and empowers all citizens to be involved in their community

### **Built Environment and Infrastructure**

Hamilton is supported by state-of-the-art infrastructure, transportation options, buildings and public spaces that create a dynamic City.

### **Our People and Performance**

Hamiltonians have a high level of trust and confidence in their City government.

## **APPENDICES AND SCHEDULES ATTACHED**

Appendix “A” to Report PED22112(a) – Draft By-law Re: Delegated Site Plan Approval

TS:sd

**Appendix "A" to Report PED22112(a)**  
**Page 1 of 2**

**Authority:** Item ,  
Report PED22112(a)  
CM:  
Ward: City Wide

**Bill No.**

**CITY OF HAMILTON**

**BY-LAW NO.**

**TO CONSOLIDATE AND UPDATE DELEGATED SITE PLAN CONTROL BY-LAWS  
IN THE CITY OF HAMILTON**

**WHEREAS** under the provisions of Subsection 41(4.0.1) of the *Planning Act*, as amended by Bill 109, *More Homes for Everyone Act, 2022*, a council that passes a by-law under subsection (2) shall appoint an officer, employee or agent of the municipality as an authorized person for the purposes of subsection (4);

**WHEREAS** the City of Hamilton previously passed Delegated Site Plan Approval Authority By-law No. 07-325 and By-law No. 03-295;

**WHEREAS** the purpose of this by-law is to repeal and replace By-law Nos. 07-325 and 03-295 with a new by-law responding to Bill 109 changes and using appropriate staff titles for housekeeping purposes;

**WHEREAS** the changes are administrative and do not change the intent or effect of previous delegated approval authority under Section 41 of the *Planning Act*.

**NOW THEREFORE** the Council of the City of Hamilton enacts as follows:

1. The municipal Council of the City of Hamilton under Section 41 of the *Planning Act* shall appoint the approval of site plans and drawings of development, including the authority to impose conditions of approval, to the Director of Planning and Chief Planner. Such authority delegated to the said Director of Planning and Chief Planner, shall be carried out and implemented as provided for in Section 41 of the *Planning Act*.
2. In the event the Director of Planning and Chief Planner or any successor is absent for any reason, the said authority of Council is delegated to the Manager, Heritage and Urban Design or any successor and, in this event, all references to the Manager, Heritage and Urban Design or any successor in this By-law shall be deemed to be references to the said Manager, Heritage and Urban Design or any successor. Where both the said Director of Planning and Chief Planner and the said Manager, Heritage and Urban Design are absent, the authority delegated pursuant to this By-law is hereby delegated to the person or persons designated in writing by the Director of Planning and Chief Planner, or any successor to act as the said Director during their absence.

**Appendix "A" to Report PED22112(a)**  
**Page 2 of 2**

3. The Mayor and City Clerk, or delegate are hereby authorized and directed to execute any agreement or undertaking required of an Owner as a condition of site plan approval, in a form satisfactory to the City Solicitor. Where required for purposes of electronic registration of such agreement, or electronic registration of notice of such agreement on title to the property under development, staff are also authorized and directed to signify in an electronic format, that such agreement or notice of such agreement was approved by the City as provided for in this by-law.
4. City of Hamilton By-law No. 03-295 is hereby repealed in its entirety.
5. City of Hamilton By-law No. 07-325 is hereby repealed in its entirety.

**PASSED** this \_\_\_\_\_ , \_\_\_\_\_

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F. Eisenberger  
Mayor

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A. Holland  
City Clerk



**CITY OF HAMILTON**  
**PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT**  
**Planning Division**

<b>TO:</b>	Chair and Members Planning Committee
<b>COMMITTEE DATE:</b>	June 14, 2022
<b>SUBJECT/REPORT NO:</b>	Applications for a Rural Hamilton Official Plan Amendment and Zoning By-law Amendment for Lands Located at 5020 Tyneside Road, Glanbrook (PED22121) (Ward 11)
<b>WARD(S) AFFECTED:</b>	Ward 11
<b>PREPARED BY:</b>	Aminu Bello (905) 546-2424 Ext. 5264
<b>SUBMITTED BY:</b>	Steve Robichaud Director, Planning and Chief Planner Planning and Economic Development Department
<b>SIGNATURE:</b>	

## RECOMMENDATION

- (a) That **Rural Hamilton Official Plan Amendment Application RHOPA-21-015, by Landpro Planning Solutions c/o Adam Moote on behalf of Thomsen-Jung Farms Ltd., (Owner)**, to amend the Rural Hamilton Official Plan to establish a Special Policy Area within the “Agriculture” designation on the subject lands to permit a Consent Application for a lot severance with no frontage on a public road and to exempt the 122 metre maximum lot depth, for lands located at 5020 Tyneside Road, Glanbrook as shown on Appendix “A” attached to Report PED22121, be **APPROVED** on the following basis:
- (i) That the draft Rural Hamilton Official Plan Amendment, attached as Appendix “B” to Report PED22121, which has been prepared in a form satisfactory to the City Solicitor, be enacted by Council;
  - (ii) That the proposed amendment is consistent with the Provincial Policy Statement (2020) and conforms to the Greenbelt Plan (2017);
- (b) That **Zoning By-law Amendment Application ZAC-21-032 by Landpro Planning Solutions c/o Adam Moote on behalf of Thomsen-Jung Farms Ltd., (Owner)**, for a change in zoning from Agriculture (A1) Zone, Conservation/Hazard

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**SUBJECT: Applications for a Rural Hamilton Official Plan Amendment and Zoning By-law Amendment for Lands Located at 5020 Tyneside Road, Glanbrook (PED22121) (Ward 11) - Page 2 of 17**

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Land-Rural (P7) Zone and Conservation/Hazard Land-Rural (P8) Zone to the Agriculture (A1, 118) Zone, Agriculture (A1, 777) Zone, Conservation/Hazard Land-Rural (P7, 777) Zone and Conservation/Hazard Land-Rural (P8, 777) Zone, in order to prohibit construction of a single detached dwelling and a residential care facility, and to recognize reduced lot width and no frontage on a public road, as required by the condition of Consent approval for lands located at 5020 Tyneside Road, as shown on Appendix “C” attached to Report PED22121, be **APPROVED** on the following basis:

- (i) That the draft By-law, attached as Appendix “C” to Report PED22121, which has been prepared in a form satisfactory to the City Solicitor, be enacted by Council;
- (ii) That the amending By-law be added to Schedule “C” of Zoning By-law No. 05-200;
- (iii) That the proposed change in zoning is consistent with the Provincial Policy Statement (2020), conforms to the Greenbelt Plan (2017), and will comply with the Rural Hamilton Official Plan upon approval of Rural Hamilton Official Plan Amendment No. XX.

## **EXECUTIVE SUMMARY**

On January 21, 2021, the Committee of Adjustment considered Consent Application GL/B-20:61 and Minor Variance Application GL/B-20:199 for a surplus farm dwelling severance. The proposed lot would not front on a public road. In approving Consent GL/B-20:61, the Committee of Adjustment imposed a condition requiring a Zoning By-law Amendment, but not a Rural Official Plan Amendment as recommended by staff. City staff subsequently appealed the decisions of the Committee of Adjustment to the Ontario Land Tribunal (OLT). The Applications for an Official Plan Amendment (OPA) and Zoning By-law Amendment were subsequently received by staff on June 14, 2021.

The purpose of the Rural Hamilton Official Plan Amendment (RHOPA) Application is to establish a Site-Specific Policy Area to allow for a lot to be created with no lot frontage on a public road (Tyneside Road) and to permit a surplus farm dwelling lot that exceeds the 122 metre maximum lot depth as shown on the Concept Plan attached as Appendix “D” to Report PED22121. The Applicant is not proposing any new development on the subject lands. The driveway access to the dwelling is existing by way of a right of way over the abutting lands.

**SUBJECT: Applications for a Rural Hamilton Official Plan Amendment and Zoning By-law Amendment for Lands Located at 5020 Tyneside Road, Glanbrook (PED22121) (Ward 11) - Page 3 of 17**

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The purpose of the Zoning By-law Amendment Application is to add special exceptions to the Agriculture (A1) Zone, Conservation/Hazard Land-Rural (P7) Zone and Conservation/Hazard Land-Rural (P8) Zone as follows:

**Retained Agricultural Parcel**

- Prohibit construction of a single detached dwelling and residential care facility, shown on Appendix “A” attached to Report PED22121.

**Severed Surplus Farm Dwelling Parcel**

- Reduce the minimum lot width to 0.0 metres (lot width is measured where the lot abuts a public highway);
- Permit no lot frontage on the lands to be severed;
- Modify the Front Lot Line definition to deem the easterly lot line as the front lot line although the property does not abut a street;
- Recognize existing accessory buildings to an existing single detached dwelling in the Conservation/Hazard Land-Rural (P7) Zone and Conservation/Hazard Land-Rural (P8) Zone; and,
- Recognize the existing single detached dwelling in the Conservation/Hazard Land-Rural (P7) Zone for a created lot that exists subsequent to the effective date of amending Zoning By-law No. 22-XXX.

The proposed amendments are required to satisfy the lot creation policies of the Provincial Policy Statement (PPS), the Greenbelt Plan (2017) and the Rural Hamilton Official Plan (RHOP) by ensuring that an additional dwelling cannot be built on the retained agricultural parcel.

**Alternatives for Consideration – See Page 16**

**FINANCIAL – STAFFING – LEGAL IMPLICATIONS**

Financial: N/A

Staffing: N/A

Legal: N/A

**HISTORICAL BACKGROUND**

On October 20, 2020, the Committee of Adjustment considered Consent Applications for GL/B-20:61 and Minor Variance Application GL/A-20:199 to sever a 1.96 ha lot

**SUBJECT: Applications for a Rural Hamilton Official Plan Amendment and Zoning By-law Amendment for Lands Located at 5020 Tyneside Road, Glanbrook (PED22121) (Ward 11) - Page 4 of 17**

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containing a dwelling that is surplus to a farm operation and retain a 63.29 ha agricultural parcel. The Minor Variance requested was to permit no frontage along a public road on the severed lands.

The Committee of Adjustment tabled the Applications in order to allow the Applicant to demonstrate that a legal deed existed with the property owner to the north at 6229 Chippewa for driveway access to the proposed severed lot. Staff interpreted that the Minor Application GL/B-20:199 was not considered minor due to inconsistent with policies in the RHOP. The severed lot proposed no frontage on a public and deeded access through the adjacent property (6229 Chippewa Road East) does not constitute frontage.

On January 21, 2021, the Committee of Adjustment conditionally approved the Consent Application and Minor Variance Applications (see Appendix “E” attached to Report PED22121). The Committee of Adjustment’s decision to approve the severance did not include a condition requiring an OPA.

On February 4, 2021, the decision of the Committee of Adjustment was appealed to the OLT by both City staff and the Niagara Peninsula Conservation Authority (NPCA). Staff’s reasons for the appeal are outlined in Appendix “F” attached to Report PED22121. Staff opined that the proposed severance would create a landlocked parcel with no frontage onto a public road, but rather has legal access which is owned by the abutting property (6229 Chippewa Road East), resulting in the creation of a new residential lot which would conflict with the RHOP.

Subsequently, the Applications subject to Report PED22121 were submitted by the Applicant to the City to address the conflict with the RHOP.

As of the date of this report, no hearing has been scheduled in the OLT appeal.

### Report Fact Sheet

Application Details	
Applicant/Owner:	Landpro Planning Solutions c/o Adam Moote on behalf of Thomsen-Jung Farms Ltd.
File Number:	RHOPA-21-015 ZAC-21-032
Type of Application:	Rural Hamilton Official Plan Amendment Zoning By-law Amendment

**SUBJECT: Applications for a Rural Hamilton Official Plan Amendment and Zoning By-law Amendment for Lands Located at 5020 Tyneside Road, Glanbrook (PED22121) (Ward 11) - Page 5 of 17**

<b>Application Details</b>	
Proposal:	Change in zoning from the Agriculture (A1) Zone, Conservation/Hazard Land-Rural (P7) Zone and Conservation/Hazard Land-Rural (P8) Zone to the Agriculture (A1, 118) Zone, Agriculture (A1, 777), Conservation/Hazard Land-Rural (P7, 777) Zone and Conservation/Hazard Land-Rural (P8) Zone to prohibit construction of a single detached dwelling and residential care facility and to recognize 0.0 metre lot width, no frontage on a street and permit continued use of a single detached dwelling, on the severed 1.96 hectare rural residential lot for lands at 5020 Tyneside Road.
<b>Property Details</b>	
Municipal Address:	5020 Tyneside Road, Glanbrook
Lot Area:	65.25 hectares.  Proposed severed rural residential lot at 5020 Tyneside Road ± 2.6 ha.  Proposed retained agricultural parcel at 5015 Tyneside Road ± 63.29 ha.
Servicing:	The properties are serviced by private services (separate well and septic services).
Existing Use:	Agriculture
<b>Documents</b>	
Provincial Policy Statement (PPS):	The proposal is consistent with the PPS (2020).
Greenbelt Plan:	The proposal conforms to the Greenbelt Plan (2017).
Rural Hamilton Official Plan Existing:	"Agriculture" in Schedule "D" – Rural Land Use Designations
Zoning Existing:	Agriculture (A1) Zone
Zoning Proposed:	Agriculture (A1, 118) Zone, Agriculture (A1, 777) Zone; Conservation/Hazard Land-Rural (P7, 777) Zone; and, Conservation/Hazard Land-Rural (P8, 777) Zone.

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**SUBJECT: Applications for a Rural Hamilton Official Plan Amendment and Zoning By-law Amendment for Lands Located at 5020 Tyneside Road, Glanbrook (PED22121) (Ward 11) - Page 6 of 17**

<b>Documents</b>	
Modifications Proposed:	<p>Modifications requested by the Applicant:</p> <p><b>Retained Parcel</b></p> <ul style="list-style-type: none"> <li>Notwithstanding Section 12.1.1, a single detached dwelling and residential care facility are prohibited.</li> </ul> <p><b>Severed Parcel</b> Modifications Requested by Applicant</p> <ul style="list-style-type: none"> <li>Notwithstanding Section 4.3 a), no frontage on a street is required;</li> <li>Notwithstanding Subsection 12.1.3.3 b), the minimum lot width shall be 0.0 metres; and,</li> <li>Modifications to the Front Lot Line and Interior Lot definitions.</li> </ul> <p>Modifications Included by staff.</p> <ul style="list-style-type: none"> <li>Notwithstanding Sections 7.7.2.2 a), an accessory building to an existing single detached dwelling shall be permitted; and,</li> <li>Notwithstanding Section 7.7.2.3 i), the existing single detached dwelling and accessory structures may be rebuilt on a lot created subsequent to the effective date of amending Zoning By-law.</li> </ul>
<b>Processing Details</b>	
Received:	June 30, 2021
Deemed Complete:	July 30, 2021
Notice of Complete Application:	Sent to twenty-two property owners within 120 metres of the subject property on August 13, 2021.
Public Notice Sign:	Posted August 14, 2021 and updated with Public Meeting date on May 4, 2022.
Notice of Public Meeting:	Sent to twenty-two property owners within 120 metres of the subject property on May 13, 2022.
Public Consultation:	N/A
Public Comments:	No public comments were received on the proposal.
Processing Time:	349 days from the date of receipt of Applications.

**SUBJECT: Applications for a Rural Hamilton Official Plan Amendment and Zoning By-law Amendment for Lands Located at 5020 Tyneside Road, Glanbrook (PED22121) (Ward 11) - Page 7 of 17**

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## BACKGROUND

### EXISTING LAND USE AND ZONING

	Existing Land Use	Existing Zoning
<b>Subject Lands:</b>	Agriculture	Agriculture (A1) Zone Conservation/Hazard Land-Rural (P7) and Conservation/Hazard Land-Rural (P8) Zone
<b>Surrounding Land Uses:</b>		
<b>North</b>	Agriculture, woodlot and single detached dwelling	Agriculture (A1) Zone, Conservation/Hazard Land-Rural (P7) Zone and Conservation/Hazard Land-Rural (P8) Zone
<b>East</b>	Agriculture, woodlot, Lake Niapenco and single detached dwellings	Agriculture (A1) Zone, Conservation/Hazard Land-Rural (P7) Zone and Conservation/Hazard Land-Rural (P8) Zone
<b>West</b>	Agriculture, woodlot and single detached dwelling	Agriculture (A1) Zone and Conservation/Hazard Land-Rural (P6) Zone
<b>South</b>	Agriculture, single detached dwelling	Agriculture (A1) Zone and Conservation/Hazard Land-Rural (P7) Zone

## POLICY IMPLICATIONS AND LEGISLATED REQUIREMENTS

### Provincial Planning Policy Framework

The Provincial planning policy framework is established through the *Planning Act* (Section 3) and the PPS. The *Planning Act* requires that all municipal land use decisions affecting planning matters be consistent with the PPS. The mechanism for

**SUBJECT: Applications for a Rural Hamilton Official Plan Amendment and Zoning By-law Amendment for Lands Located at 5020 Tyneside Road, Glanbrook (PED22121) (Ward 11) - Page 8 of 17**

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the implementation of the Provincial plans and policies is through the Official Plan. Through the preparation, adoption and subsequent Ontario Land Tribunal (formerly Ontario Municipal Board) approval of the City of Hamilton Official Plans, the City of Hamilton has established the local policy framework for the implementation of the Provincial planning policy framework. As such, matters of provincial interest (e.g. efficiency of land use, balanced growth and environmental protection) are reviewed and discussed in the Official Plan analysis below.

As the Application for a change in zoning complies with the RHOP, it is staff's opinion that the Application is:

- Consistent with Section 3 of the *Planning Act*,
- Consistent with the PPS; and,
- Conforms to the Greenbelt Plan (2017).

**Rural Hamilton Official Plan (RHOP)**

The subject lands are designated "Greenbelt Protected Countryside" on Schedule "A" - Provincial Plans and "Agriculture" on Schedule D - Rural Land Use Designations of the RHOP. The following policies, amongst others, apply to the proposal.

A portion of the proposed lot severance is identified as a "Core Areas", "Greenbelt Natural Heritage System" in Schedule "B" – Natural Heritage System and "Key Natural Heritage Features Significant Woodlands" on Schedule "B-2" – Detailed Natural Heritage features, in the RHOP. The following policies, amongst others, apply to the proposal.

"2.3.3 Any development or site alteration within or adjacent to Core Areas shall not negatively impact their environmental features or ecological functions."

"C.2.4.2 New development or site alteration shall not be permitted within a key natural heritage feature within the Greenbelt Natural Heritage System or a key hydrologic feature anywhere in the Protected Countryside, including any associated vegetation protection zone. However, new development or site alteration proposed adjacent to (within 120 metres of) a key natural heritage feature within the Greenbelt Natural Heritage System or a key hydrologic feature anywhere in the Protected Countryside requires an Environmental Impact Statement which identifies a vegetation protection zone, according to the requirements in Sections C.2.4.10, C.2.4.11, C.2.4.12, C.2.4.13, and C.2.4.14."

**SUBJECT: Applications for a Rural Hamilton Official Plan Amendment and Zoning By-law Amendment for Lands Located at 5020 Tyneside Road, Glanbrook (PED22121) (Ward 11) - Page 9 of 17**

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An Environmental Impact Statement (EIS) was not required by staff or the NPCA because the proposed Consent Application was to create a new lot containing an existing dwelling. The subject property is subject to Site Plan Control. Therefore, any future development or site alteration may require an EIS to consider measures to mitigate impacts and enhance the existing natural features and functions. The NPCA has identified requirements to address the site characteristics relating to the subject property's topography and floodplain that are further discussed in the Relevant Consultation section of this Report.

"C.4.5.8.4 New development or redevelopment shall only be permitted on a property that has direct frontage on a publicly assumed road constructed to municipal standards."

"F.14.2.1 The following policies shall apply to all severances and lot additions, including minor lot line adjustments and boundary adjustments in the Agriculture, Rural, Specialty Crop, and Open Space designations, and designated Rural Settlement Areas, as shown on Schedule D – Rural Land Use Designations: (OPA 18).

c) All proposed severances that create a new lot shall:

(iv) Shall only be permitted when both severed and retained lots have frontage on a public road."

The existing legal deed registered against the north property at 6229 Chippewa provides access to 5020 Tyneside Road, satisfying the intent of C.4.5.8.4 and F.14.2.1 of the RHOP.

"F.1.14.2.8 An existing farm dwelling that is a residence surplus to a farming operation as a result of a farm consolidation may be severed provided all of the following conditions are met:

All Lands

a) In all cases where surplus farm dwellings are to be severed the following shall apply:

i. The farm consolidation shall have been completed prior to the time of Application;

ii. The farm dwelling shall be determined to be surplus to the farm operation for no reason other than the farm dwelling is surplus

**SUBJECT: Applications for a Rural Hamilton Official Plan Amendment and Zoning By-law Amendment for Lands Located at 5020 Tyneside Road, Glanbrook (PED22121) (Ward 11) - Page 10 of 17**

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to the needs of the farm consolidation. Farm dwellings that have been determined to be surplus to a farm operation prior to December 16, 2004 and prior to the acquisition of the additional farm parcel(s), or as a result of changing agricultural operations, are deemed not to be surplus farm dwellings for the purposes of Section F.1.14.2.8.

- iii. The proposed surplus farm dwelling:
  - 1. Shall have been built on or before December 16, 2004: and,
  - 2. Shall be habitable on the date of the Application for the surplus farm dwelling severance and shall meet the City's standards for occupancy without requiring substantial demolition and new construction;
- iv. The surplus dwelling lot shall be a minimum of 0.4 hectares (1 acre), or such larger area as may be required by Section C.5.1, Private Water and Wastewater Services of this Plan. The maximum size of the surplus dwelling lot shall be the size required for servicing in accordance with Section C.5.1, with as little acreage as possible taken out of agricultural production;
- v. A private water well and private sewage disposal system shall be provided in accordance with Section C.5.1, Private Water and Wastewater Services of this Plan;
- vi. The shape and dimension of the surplus farm dwelling shall:
  - 1. Not impair agricultural operations on the retained land; and,
  - 2. Generally not exceed a depth of 122 metres (400 feet);
- vii. The surplus dwelling lot shall not include barns or other farm buildings which are not suitable to be used as accessory structures to a residential use prescribed by the Zoning By-law, and no such buildings or structures shall be used for industrial or commercial purposes;
- viii. Where a barn or other farm building exists within the immediate vicinity of the surplus residence, the City may require demolition of the barn."

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OUR Mission: To provide high quality cost conscious public services that contribute to a healthy, safe and prosperous community, in a sustainable manner.

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**SUBJECT: Applications for a Rural Hamilton Official Plan Amendment and Zoning By-law Amendment for Lands Located at 5020 Tyneside Road, Glanbrook (PED22121) (Ward 11) - Page 11 of 17**

---

The surplus farm dwelling lot exceeds the maximum lot depth of 122 metres and has no frontage on a public road. Therefore a Rural Site Specific Policy Area is required. The proposed severed lot size, configuration and access are suitable for a residential use and will not impair the existing agricultural operation on the retained lands and meets the intent of this policy.

**“F.1.14.2.8 Land Not Merged in Title**

- c) In cases of a farm dwelling made surplus as a result of acquisition as part of a farm operation that does not result in the merging in title of parcels of land, Applications for severance of the surplus dwelling shall comply with the following conditions:
  - (ii) The parcels of land comprising the consolidated farm operation shall generally be a minimum of 38.4 hectares (95 acres) in total in the Agriculture and Rural designations and 14.2 hectares (35 acres) in the Specialty Crop designation; and,
  - (iii) The parcel of land from which the surplus dwelling is severed shall generally be a minimum of 8.1 hectares (20 acres) in size for lands designated Specialty Crop on Schedule D – Rural Land Use Designations, or 16.2 hectares (40 acres) in size for lands designated Agriculture or Rural on Schedule D – Rural Land Use Designations”

Based on the policies above, staff find that the Severance Application (GL/B-20:61) complied with the RHOP through imposing a condition of restricting construction of a single detached dwelling and residential care facility on the subject lands. Based on the foregoing, this Application satisfies the intent of the applicable Surplus Farm Dwelling Severance policies of the RHOP.

**City of Hamilton Zoning By-law No. 05-200**

The subject lands are currently zoned Agriculture (A1) Zone, Conservation/Hazard Land-Rural (P7) Zone and Conservation/Hazard Land-Rural (P8) Zone in City of Hamilton Zoning By-law No. 05-200. Permitted uses in the Agriculture (A1) Zone and include Agriculture, Single Detached Dwelling and Residential Care Facility. Section 12.1.3.1 a) of the Zoning By-law establishes a Minimum Lot Area of 0.4 hectares for single detached dwellings. The Conservation/Hazard Land-Rural (P7) Zone and Conservation/Hazard Land-Rural (P8) Zone permit existing single detached dwellings.

**SUBJECT: Applications for a Rural Hamilton Official Plan Amendment and Zoning By-law Amendment for Lands Located at 5020 Tyneside Road, Glanbrook (PED22121) (Ward 11) - Page 12 of 17**

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The purpose of the Zoning By-law Amendment is to add a site specific exception to the Agriculture (A1, 118) Zone to prohibit the construction of a single detached dwelling and residential care facility on the retained agricultural lot. The proposed Agriculture (A1, 777) Zone and Conservation/Hazard Land-Rural (P7, 777) Zone contains site specific zoning provisions applied to the severed lot to recognize a 0.0 metre lot width, no frontage on a street and to permit continue use of the existing single detached dwelling in the Conservation/Hazard Land-Rural (P7) Zone. The site-specific zoning modifications to accommodate the proposal are outlined in the Report Fact Sheet and discussed in detail in Appendix “C” attached to Report PED22121.

**RELEVANT CONSULTATION**

<b>Departments and Agencies</b>		
	<ul style="list-style-type: none"> <li>• Asset Management, Strategic Planning, Public Works Department;</li> <li>• Forestry and Horticulture Section, Environmental Services Division, Public Works Department;</li> <li>• Alectra Utilities; and,</li> <li>• Canada Post.</li> </ul>	No comment or objection.
	<b>Comment</b>	<b>Staff Response</b>
Development Engineering Approvals Section, Growth Management Division, Planning and Economic Development Department.	<ul style="list-style-type: none"> <li>• No municipal water or sewer infrastructure on Miles Road or Tyneside Road as the subject parcel is within the rural designated area of Glanbrook.</li> </ul>	Noted.
Source Water Protection, Public Works Department	<ul style="list-style-type: none"> <li>• Recommend that the Building Division confirm proposal meets minimum clearance distances of Part 8 of the Ontario Building Code for septic system components. Otherwise, no other comments.</li> </ul>	Condition No. 8 of Consent GL/B-20:61 requires that the Applicant verify the existing septic systems complies with Part 8 of the Ontario Building Code.

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**SUBJECT: Applications for a Rural Hamilton Official Plan Amendment and Zoning By-law Amendment for Lands Located at 5020 Tyneside Road, Glanbrook (PED22121) (Ward 11) - Page 13 of 17**

<b>Departments and Agencies</b>		
	<b>Comment</b>	<b>Staff Response</b>
Niagara Peninsula Conservation Authority (NPCA)	<ul style="list-style-type: none"> <li>• The Applicant's submitted Topographical Survey demonstrated that the flood depths will exceed 0.3 metres during the regulatory flood event, therefore a work permit for fill placement to elevate access on the property to a safe level in accordance with NPCA Policy 4.2.7;</li> <li>• Concerns were expressed regarding necessary site improvements to ensure appropriate dispersion of floodwaters through the existing driveway, which would require driveway reconstruction; and,</li> <li>• 50 cubic metres of fill is required to raise the driveway to an elevation of 200.51 metres and install culverts under the driveway to ensure safe egress through the floodplain hazard. An as-built survey is required to confirm the completed works.</li> </ul>	No development is proposed, as such a NPCA permit is not required. However, staff have advised the NPCA that the enforcement of their permit is outside the scope of the Official Plan Amendment and Zoning By-law Amendment Applications, which does not impose a mechanism to implement the site improvements by the Owner. The Official Plan amendment and Zoning By-law Amendment Applications are intended to address the 0m lot frontage and no access from a public road.
Growth Planning Section, Growth Management Division, Planning and Economic Development Department.	The existing address of 5020 Tyneside Road will be assigned to the severed surplus farm dwelling lot, and the address of 5015 Miles Road will be assigned to retained agricultural parcel.	The assigned addresses will be finalized upon Final Approval being granted to the Consent Application by the Committee of Adjustment.

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**SUBJECT: Applications for a Rural Hamilton Official Plan Amendment and Zoning By-law Amendment for Lands Located at 5020 Tyneside Road, Glanbrook (PED22121) (Ward 11) - Page 14 of 17**

Departments and Agencies		
	Comment	Staff Response
Transportation Planning Department	<ul style="list-style-type: none"> <li>As per the Council Approved Rural Official Plan: Chapter C- City Wide Systems and Designations, 4.5 Road Network, 4.5.2 Collector Roads (Miles Road) are to be 36.0 metres. Notwithstanding that an 8.0 metre right-of-way dedication would typically be required, and without setting precedent, the need for a right-of-way dedication will be waived; and,</li> <li>Access to the separate parcels shall continue to be from the primary driveway access and confirmation of a legal agreement/easement is required to ensure continued shared use if/when either property is under new ownership.</li> </ul>	A permanent Right-of-Way is registered on title to provide access to the property, which was confirmed under Consent GL/A-20:199.
Waste Management Division, Public Works Department	The existing single detached dwelling on the severed portion of the lot is eligible for curbside municipal waste collection service.	Noted.

### Public Consultation

In accordance with the provisions of the *Planning Act* and the Council Approved Public Participation Policy, Notice of Complete Application and Preliminary Circulation was sent to 22 property owners within 120 m of the subject lands on August 13, 2021. A Public Notice sign was posted on the property on August 14, 2021 and updated with the Public Meeting date on May 18, 2022. Finally, the Notice of the Public Meeting was mailed to 22 property owners within 120 m of the subject lands on May 27, 2022.

**SUBJECT: Applications for a Rural Hamilton Official Plan Amendment and Zoning By-law Amendment for Lands Located at 5020 Tyneside Road, Glanbrook (PED22121) (Ward 11) - Page 15 of 17**

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**ANALYSIS AND RATIONALE FOR RECOMMENDATION**

1. The proposal has merit and can be supported for the following reasons:
  - i. It is consistent with the lot creation policies of the PPS (2020) and conforms to the Greenbelt Plan (2017); and,
  - ii. It complies with the intent of the lot creation policies of the RHOP upon finalization of Official Plan Amendment No. XX.

2. Official Plan Amendment

The subject lands are designated as “Agriculture” on Schedule – Land Use Designations in the RHOP. The requested RHOP amendment is to add a Rural Site Specific Policy Area to permit the severed lot with no frontage on a public road and increase the maximum lot depth to 328.0 metres for the proposed surplus farm dwelling lot.

The policies of the PPS and Greenbelt Plan (2017) indicate that an existing residence may be severed as surplus to a farming operation consolidation. As per Policy 2.3.1 of the PPS, the intent of the plan is to protect agricultural areas. The restriction of development of the subject lands is consistent with that policy. The Greenbelt Plan supports and permits Agricultural Uses on lands designated within the Plan. Staff are of the opinion that the Application is consistent with the PPS and conforms to the Greenbelt Plan (2017) as it restricts the development of a single detached dwelling and residential care facility on the subject lands to preserve the existing farm practice. Staff are satisfied that an existing legal deed is registered against the north property at 6229 Chippewa to provide access to 5020 Tyneside Road.

3. Zoning By-law Amendment

The subject lands are zoned Agriculture (A1), Conservation/Hazard Land-Rural (P7) Zone and Conservation/Hazard Land-Rural (P8) Zone in Zoning By-law 05-200, which permits agricultural uses and an Existing Single Detached Dwelling. This Application fulfils a standard condition normally imposed under a Consent Application for a surplus farm dwelling severance by prohibiting the future development of a single detached dwelling and residential care facility on the retained lot as per the Agriculture (A1, 118) Zone. The following modifications to Zoning By-law No. 05-200 for the severed lot as per the proposed Agriculture (A1, 777) Zone and Conservation/Hazard Land-Rural (P7) Zone:

**SUBJECT: Applications for a Rural Hamilton Official Plan Amendment and Zoning By-law Amendment for Lands Located at 5020 Tyneside Road, Glanbrook (PED22121) (Ward 11) - Page 16 of 17**

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- Reduce the minimum lot width to 0.0 metres;
- Permit no lot frontage on the lands to be severed;
- Modify the Front Lot Line definition to deem the easterly lot line as the front lot line although the property does not abut a street;
- Permit accessory buildings to an existing single detached dwelling in the Conservation/Hazard Land-Rural (P7) Zone and Conservation/Hazard Land-Rural (P8) Zone; and,
- Recognize the existing single detached dwelling in the Conservation/Hazard Land-Rural (P7) Zone for a created lot that exists subsequent to the effective date of the amending Zoning By-law No. 22-XXX.

An analysis of the proposed modifications are discussed in detail in Appendix “G” attached to Report PED22121.

Staff are satisfied the proposal meets the intent of the applicable Surplus Farm Severance policies in the RHOP upon finalization of the proposed amendment. The proposed lot severance is appropriately sized to manage private sewage and water services and preserves the existing agricultural operation through the above mentioned land use restrictions on the retained agricultural parcel, therefore staff support the Zoning By-law Amendment.

## **ALTERNATIVES FOR CONSIDERATION**

Should the proposed Zoning By-law Amendment be denied the Applicant will be unable to fulfil conditions of the conditionally approved Consent without appealing Council’s decision to the OLT. The use of the property would continue to be regulated by the Agriculture (A1) Zone, Conservation/Hazard Land (P7) Zone and Conservation/Hazard Land (P8) Zone in Zoning By-law No. 05-200.

## **ALIGNMENT TO THE 2016 – 2025 STRATEGIC PLAN**

### **Economic Prosperity and Growth**

Hamilton has a prosperous and diverse local economy where people have opportunities to grow and develop.

### **Healthy and Safe Communities**

Hamilton is a safe and supportive City where people are active, healthy, and have a high quality of life.

### **Clean and Green**

Hamilton is environmentally sustainable with a healthy balance of natural and urban spaces.

**SUBJECT: Applications for a Rural Hamilton Official Plan Amendment and Zoning By-law Amendment for Lands Located at 5020 Tyneside Road, Glanbrook (PED22121) (Ward 11) - Page 17 of 17**

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**APPENDICES AND SCHEDULES ATTACHED**

Appendix "A" to Report PED22121 – Location Map

Appendix "B" to Report PED22121 – Amendment to Rural Hamilton Official Plan

Appendix "C" to Report PED22121 – Amendment to Zoning By-law No. 05-200

Appendix "D" to Report PED22121 – Concept Plan

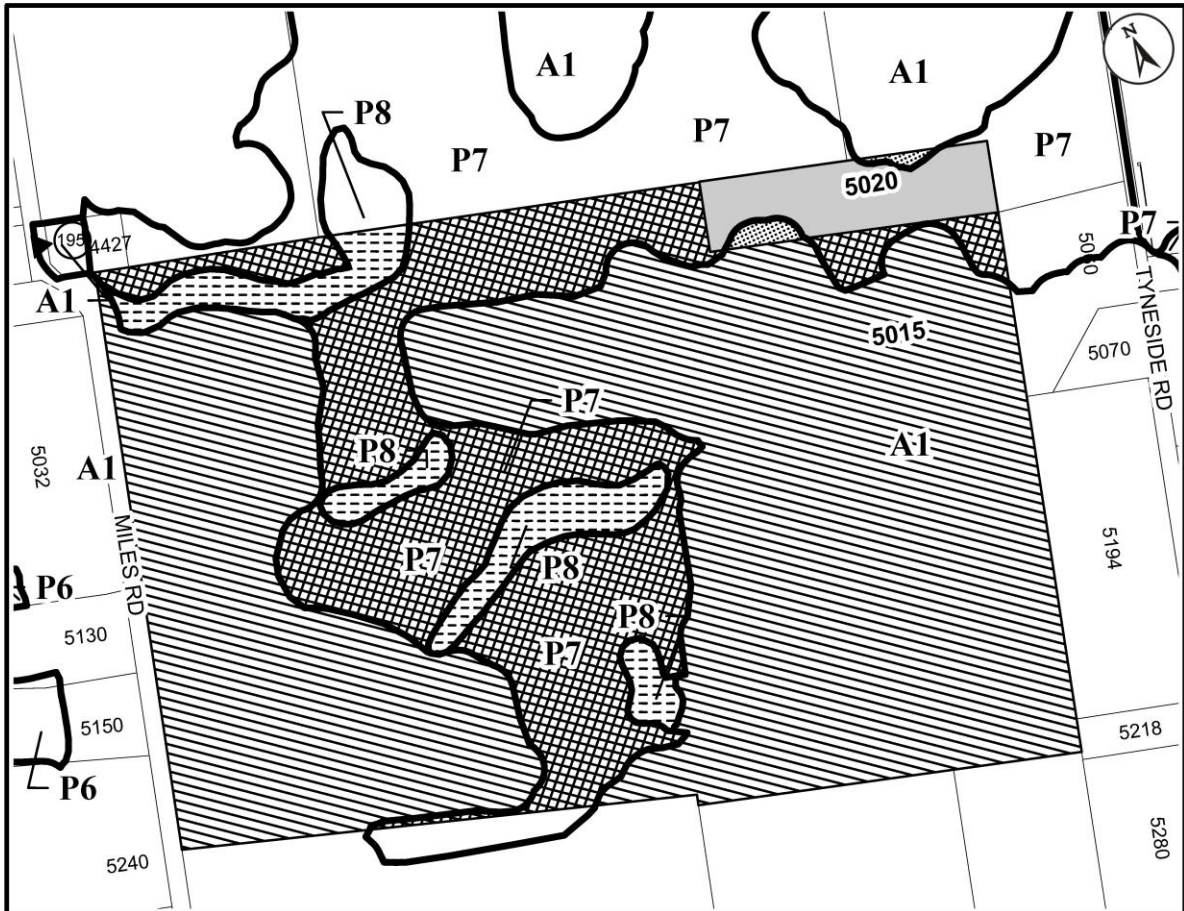
Appendix "E" to Report PED22121 – Notice of Decision for GL/B-20:61 and GL/A-20:199

Appendix "F" to Report PED22121 – OLT Appellant Form

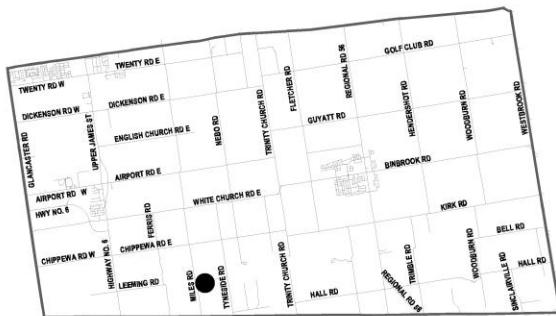
Appendix "G" to Report PED22121 – Site Specific Zoning Modification - Table

AB:sd

Appendix "A" to Report PED22121  
Page 1 of 1



● Site Location



Key Map - Ward 11

Location Map



Hamilton

PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT

File Name/Number:  
ZAC-21-032 & RHOPA-21-015

Date:  
April 1, 2022






Appendix "A"

Scale:  
N.T.S

Planner/Technician:  
AB/NB

Subject Property

5015 and 5020 Tyneside Road, Glanbrook

-  Change in Zoning from Agriculture (A1) Zone to Agriculture (A1, 118) Zone
-  Change in Zoning from Conservation/Hazard Land Rural (P7) Zone to Conservation/Hazard Land Rural (P7, 118) Zone
-  Change in Zoning from Conservation/Hazard Land Rural (P8) Zone to Conservation/Hazard Land Rural (P8, 118) Zone
-  Change in Zoning from Agriculture (A1) Zone to Agriculture (A1, 777) Zone
-  Change in Zoning from Conservation/Hazard Land Rural (P7) Zone to Conservation/Hazard Land Rural (P7, 777) Zone

## **DRAFT Rural Hamilton Official Plan Amendment No. X**

The following text, together with Appendix "A" – Volume 3: Appendix A – Site Specific Area Key Map, attached hereto, constitutes Official Plan Amendment No. "X" to the Rural Hamilton Official Plan.

### **1.0 Purpose and Effect:**

The purpose and effect of this Amendment is to establish a Rural Site Specific Area in order to permit a severed lot with no frontage on a public road and a surplus farm dwelling lot that exceeds a depth of 122 metres.

### **2.0 Location:**

The lands affected by this Amendment are known municipally as 5020 Tyneside Road, in the former Town of Flamborough.

### **3.0 Basis:**

The basis for permitting this Amendment is to facilitate the implementation of the conditions of Committee of Adjustment applications GL/B-20:60 and GL/B-20:199 in order to permit severance of a surplus farm dwelling and variances for the severed property.

### **4.0 Actual Changes:**

#### **4.1 Volume 3 – Special Policy and Site Specific Areas**

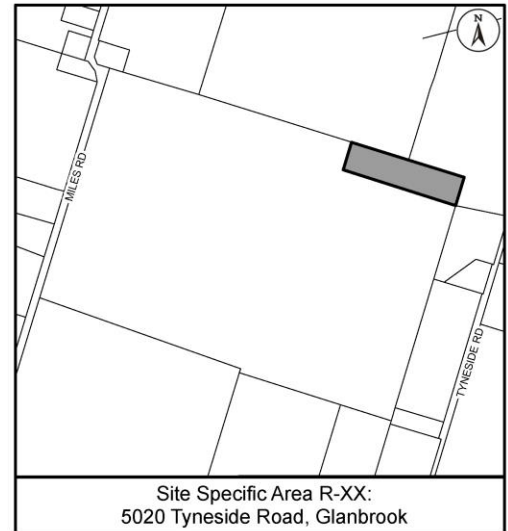
##### ***Text***

##### **4.1.1 Chapter B – Rural Site Specific Areas**

- a. That Volume 3: Chapter B – Rural Site Specific Areas be amended by adding a new Site Specific Area, as follows:

**"R-XX Lands located at 5020 Tyneside Road, former Township of Glanbrook**

- 1.0 Notwithstanding Policy F.1.14.2.1 c) vi) of Volume 1, the property known municipally as 5020 Tyneside Road, Glanbrook, identified on the inset map, designated Agriculture on Schedule "D" – Rural Land Use Designations, a severed lot with no frontage on a public road is permitted.
- 2.0 Notwithstanding Policy F.1.14.2.8 a) vi) 2. of Volume 1, the property known municipally as 5020 Tyneside Road, Glanbrook, identified on the inset map, designated Agriculture on Schedule "D" – Rural Land Use Designations, shall generally not exceed a depth of 328.0 metres.



***Schedules and Appendices***

4.1.2 Appendix

- a. That Volume 3: Appendix A – Site Specific Area Key Map be amended by identifying the lands municipally known as 5020 Tyneside Road, Glanbrook as Site Specific Area R-XX, as shown on Appendix "A", attached to this Amendment.

**4.2 Volume 3 – Special Policy and Site Specific Areas**

***Text***

4.2.1 Chapter B – Rural Site Specific Areas

- a. That Volume 3: Appendix A – Site Specific Area Key Map be amended by identifying the lands municipally known as 5020 Tyneside Road, Glanbrook as Site Specific Area R-XX, as shown on Appendix "A", attached to this Amendment:

**5.0 Implementation:**

An implementing Zoning By-Law Amendment will give effect to the intended uses on the subject lands.

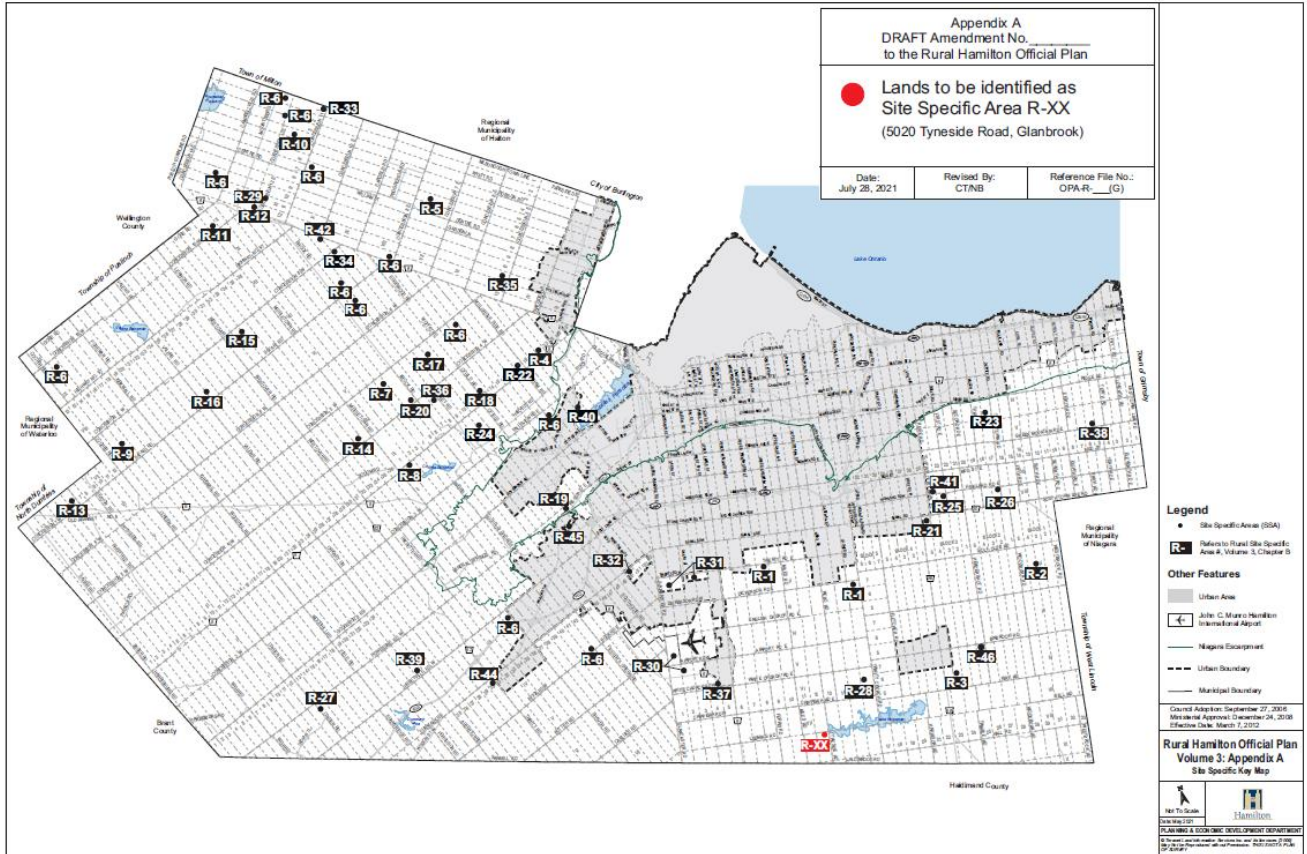
This Official Plan Amendment is Schedule "1" to By-law No. \_\_\_\_ passed on the \_\_\_\_\_<sup>th</sup> of \_\_\_\_\_, 2022.

**The  
City of Hamilton**

\_\_\_\_\_  
F. Eisenberger  
MAYOR

\_\_\_\_\_  
A. Holland  
CITY CLERK





**Appendix “C” to Report PED22121**  
**Page 1 of 4**

**Authority:** Item ,  
Report (PED22121)  
CM:  
Ward: 11

**Bill No.**

**CITY OF HAMILTON**

**BY-LAW NO.**

**To Amend Zoning By-law No. 05-200**  
**Respecting Lands Located at 5015 and 5020 Tyneside Road, Glanbrook**

**WHEREAS** the City of Hamilton has in force several Zoning By-laws which apply to the different areas incorporated into the City by virtue of the City of Hamilton Act, 1999 S.O. 1999, Chap. 14;

**WHEREAS**, THE City of Hamilton is the lawful successor of the former Municipalities identified in Section 1.7 of By-law No. 05-200;

**WHEREAS**, the first stage of Zoning By-law, being By-law No. 005-200 came into force and effect on the 25<sup>th</sup> day of May 2005; and

**WHEREAS**, the Council of the City of Hamilton, in adopting Item X of Report PED22121 of the Planning Committee, at its meeting held on the XX day of XX 2022, which recommended that Zoning By-law No. 05-200 be amended as hereinafter provided; and

**AND WHEREAS** this By-law conforms with the Rural Hamilton Official Plan upon adoption of Official Plan Amendment No. X.

**NOW THEREFORE** the Council of the City of Hamilton enacts as follows:

1. That Map No. 210 and No. 211 of Schedule “A” – Zoning Maps of Zoning By-law No. 05-200, is amended by changing the zoning from Agriculture (A1) Zone, Conservation/Hazard Land-Rural (P7) Zone and Conservation/Hazard Land-Rural (P8) Zone to Agriculture (A1, 118) Zone, Conservation/Hazard Land-Rural (P7, 118) Zone, Conservation/Hazard Land-Rural (P8, 118) Zone, Agriculture (A1, 777) Zone, and Conservation/Hazard Land-Rural (P7, 777) Zone the extent and boundaries of which are shown on a plan hereto annexed as Schedule “A” to the By-law.
2. That Schedule “C”: Special Exceptions is amended by adding the following new Special Exception:

**Appendix "C" to Report PED22121**  
**Page 2 of 4**

- a) Adding reference to "5015 Tyneside Road" and "Map 210, 211" to the Property Address and Map Number table as follows:

Property Address	Map Numbers
5015 Tyneside Road	210, 211

- b) Adding subsection f) as follows:

The following regulations shall also apply for the property located at 5015 Tyneside Road:

- i) Notwithstanding Subsection 12.1.1, a Single Detached Dwelling and Residential Care Facility shall be prohibited on the subject lands.

3. That Schedule "C" Special Exceptions of By-law No. 05-200 is amended by adding an additional exception, as follows:

"777. Within the lands zoned Agriculture (A1, 777) Zone and Conservation/Hazard Land (P7, 777), and identified on Map Nos. 210 and 211 of Schedule "A" Zoning Maps and described as 5020 Tyneside Road, the following special provisions shall apply:

- i) Notwithstanding Section 4.3 a), frontage on a street shall not be required;
- ii) Notwithstanding Subsection 12.1.3.3 b), the minimum lot width shall be 0.0 metres;
- iii) Notwithstanding Section 3 of this By-law, for purposes of the definition of the Interior Lot shall mean a lot with no frontage on a street excluding a corner lot;
- iv) Notwithstanding Section 3 of this By-law, for the purposes of the definition of the Front Lot Line shall mean the easterly lot line shall be considered the front lot line of the subject lands;
- v) Notwithstanding Section 7.7.2.2 a), new accessory buildings to an existing single detached dwelling shall be permitted. Sections 4.8 and 4.8.1.2 shall apply for new accessory buildings;
- vi) The maximum gross floor area for an expansion to an existing building or structure, including an existing accessory building, shall not exceed 10% of the gross floor area of the existing building or structure including an existing accessory building and may include a deck within the permitted maximum; and,

**Appendix "C" to Report PED22121**

**Page 3 of 4**

- vii) Notwithstanding Sections 7.7.2.3 i), 7.7.2.3 ii) and 7.7.2.3 iv), an existing single detached dwelling and existing accessory buildings or structures which are demolished in whole or in part may be rebuilt on a lot created subsequent to the effective date of By-law 22-XX. Sections 12.1.3.3 a), c), d) e), f) shall apply for a single detached dwelling and Sections 4.8 and 4.8.1.2 shall apply for accessory buildings.
  
- viii) In addition to Section 7.7.2.2 b) ii), for purposes of the existing single detached dwelling, Section 12.1.3.3 c), d) e) and f) and for purposes of existing accessory buildings Sections 4.8 and 4.8.1.2 shall apply.

**PASSED** this \_\_\_\_\_ , \_\_\_\_\_

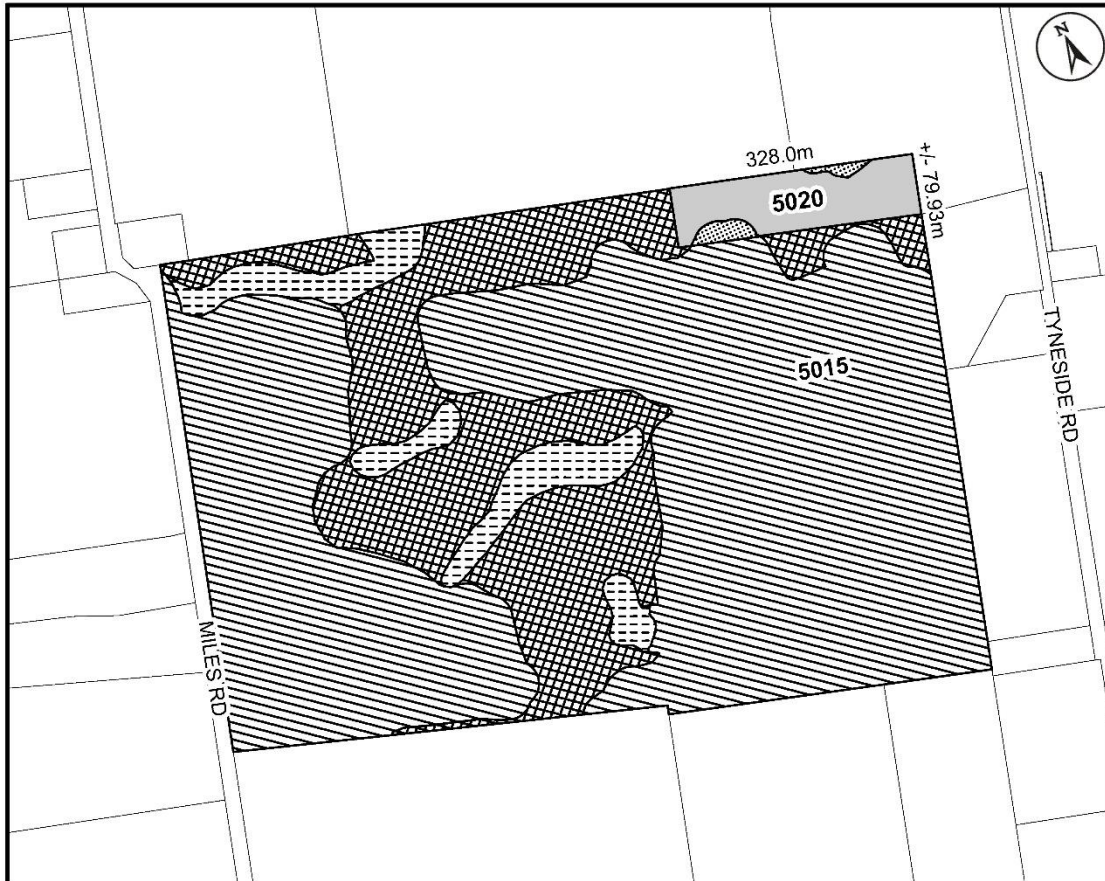
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F. Eisenberger  
Mayor

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A. Holland  
Acting City Clerk

Appendix "C" to Report PED22121  
Page 4 of 4



This is Schedule "A" to By-law No. 22-

Passed the ..... day of ....., 2022






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Mayor


-----  
Clerk

**Schedule "A"**

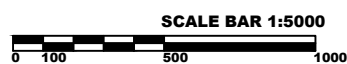
Map forming Part of  
By-law No. 22-\_\_\_\_\_

to Amend By-law No. 05-200  
Map 210 & 211

- Subject Property**  
5015 and 5020 Tyneside Road, Glanbrook
-  Change in Zoning from Agriculture (A1) Zone to Agriculture (A1, 118) Zone
  -  Change in Zoning from Conservation/Hazard Land Rural (P7) Zone to Conservation/Hazard Land Rural (P7, 118) Zone
  -  Change in Zoning from Conservation/Hazard Land Rural (P8) Zone to Conservation/Hazard Land Rural (P8, 118) Zone
  -  Change in Zoning from Agriculture (A1) Zone to Agriculture (A1, 777) Zone
  -  Change in Zoning from Conservation/Hazard Land Rural (P7) Zone to Conservation/Hazard Land Rural (P7, 777) Zone

Scale: N.T.S	File Name/Number: ZAC-21-032/RHOPA-21-015	 Hamilton
Date: April 1, 2022	Planner/Technician: AB/NB	
PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT		

## PROPOSED SEVERANCE - 5020 TYNESIDE ROAD, GLANBROOK.



KEY MAP N.T.S.

**LEGEND:**

— PROPERTY LINE

**SEVERANCE INFORMATION**

LOT A	66.4 Ha./ 170.5 Acres
LOT B	2.6 Ha./ 6.42 Acres
<b>TOTAL AREA</b>	<b>69 Ha./ 170.5 Acres</b>



**LANDPRO**  
PLANNING SOLUTIONS

Michael Sullivan, R.P.P. E.P.  
LandPro Planning Solutions  
707 East Main St., Welland, ON L3B 3Y5  
289-687-3730 www.sullivanplanning.ca

**CONCEPTUAL PLAN OF SEVERANCE**  
**5020 TYNESIDE ROAD,**  
**GLANBROOK, CITY OF HAMILTON**

PART OF LOTS 11&12, CONCESSION 8, FORMER  
TOWNSHIP OF GLANBROOK, CITY OF HAMILTON.

DATE: JUNE 8, 2021

SCALE: 1 / 5000





Committee of Adjustment  
Hamilton City Hall  
71 Main Street West, 5<sup>th</sup> floor  
Hamilton, ON L8P 4Y5  
Telephone (905) 546-2424  
ext. 4221, 3935  
Fax (905) 546-4202

**COMMITTEE OF ADJUSTMENT**  
**NOTICE OF DECISION**

**APPLICATION FOR CONSENT LAND SEVERANCE**

**APPLICATION NO. GL/B-20:61**  
**SUBMISSION NO. B-61/20**

**APPLICATION NUMBER: GL/B-20:61**

**SUBJECT PROPERTY: 5020 Tyneside Rd., (Glanbrook)**

**APPLICANT(S):** Sullivan Planning Services Inc. on behalf of the owner Thomsen-Jung Farms Ltd.

**PURPOSE OF APPLICATION:** To permit the conveyance of a parcel of land containing an existing dwelling and to retain a parcel of agricultural land containing two agricultural buildings.

**Severed lands:**  
65m<sup>±</sup> x 280m<sup>±</sup> and an area of 1.96ha<sup>±</sup>

**Retained lands:**  
646m<sup>±</sup> x 1,000m<sup>±</sup> and an area of 63.29ha<sup>±</sup>

**This application will be heard in conjunction with  
Minor Variance Application GL/A-20:199**

**THE DECISION OF THE COMMITTEE IS:**

That the said application, as set out in paragraph three above, **IS APPROVED**, for the following reasons:

1. The proposal does not conflict with the intent of the Rural Hamilton Official Plan.
2. The Committee considers the proposal to be in keeping with development in the area.
3. The Committee is satisfied that a plan of subdivision is not necessary for the proper and orderly development of the lands.
4. The Committee is satisfied that a plan of subdivision is not necessary for the proper and orderly development of the lands.
5. The submissions made regarding this matter affected the decision by supporting the granting of the application.

**Having regard to the matters under subsection 51(24) of the Planning Act, R.S.O. 1990, c.P. 13, the said application shall be subject to the following conditions:**

1. The owner shall submit a deposited Ontario Land Surveyor's Reference Plan to the Committee of Adjustment Office, unless exempted by the Land Registrar. The

GL/B-20:61  
Page 2

- reference plan must be submitted in pdf and also submitted in CAD format, drawn at true scale and location and tied to the City corporate coordinate system. (Committee of Adjustment Section)
2. The owner shall pay any outstanding realty taxes and/or all other charges owing to the City Treasurer. (Committee of Adjustment Section)
  3. The owner submits to the Committee of Adjustment office an administration fee, payable to the City of Hamilton, to cover the costs of setting up a new tax account for each newly created lot. (Committee of Adjustment Section)
  4. The owner shall ensure compliance with Ontario Building Code requirements regarding spatial separation distances of any structures to the satisfaction of the Planning and Economic Development Department (Building Division – Plan Examination Section).
  5. The owner shall receive final and binding approval of minor variance application GL/A-20:199.
  6. The owner shall submit survey evidence that the lands to be conveyed and retained, including any existing structure(s), and parking conform to the requirements of the Zoning By-law or alternatively apply for and receive final approval of any variances from the requirements of the Zoning By-law as determined necessary by the Planning and Economic Development Department (Building Division – Zoning Section).
  7. The owner shall demolish the existing “farm buildings” on the lands to be retained to the satisfaction of the Planning and Economic Development Department (Building Division – Zoning Section) or alternatively, the owner shall demonstrate that the existing farm buildings conform to the requirements of Hamilton Zoning By-law 05-200 in relation to their location to the proposed property lines. (Building Division – Zoning Section). May be subject to a demolition permit issued in the normal manner.
  8. The owner shall submit survey evidence from a BCIN Qualified Designer (Part 8 Sewage System) or Professional Engineer that the existing septic system complies with the clearance requirements of Part 8 of the Ontario Building Code for the lands to be severed and/or retained, to the satisfaction of the Planning and Economic Development Department (Building Division – Plan Examination Section).
  9. The owner shall demolish the existing barn (accessory structure) on the lands to be conveyed to the satisfaction of the Planning and Economic Development Department.
  10. The applicant shall submit and receive final and binding approval of a Zoning By-law Amendment Application for the subject lands to the satisfaction of the Manager, Development Planning Heritage & Design.
  11. That the Owner dedicate to the City of Hamilton by deed, sufficient land along the frontage of the remnant parcel fronting on Miles Road in order to establish the property line 18.28mm (60 feet) from the original centreline of this roadway to the satisfaction of Manager Engineering Approvals Section.

DATED AT HAMILTON this 21st day of January 2021.

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M. Dudzic (Chairman)

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D. Serwatuik

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L. Gaddy



GL/B-20:61  
Page 3

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D. Smith

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B. Charters

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M. Switzer

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T. Lofchik

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N. Mleczko

THE DATE OF GIVING OF THIS NOTICE OF DECISION IS January 28th, 2021.  
HEREIN NOTED CONDITIONS MUST BE MET WITHIN ONE (1) YEAR OF THE DATE  
OF THIS NOTICE OF DECISION (January 28th, 2022) OR THE APPLICATION SHALL BE  
DEEMED TO BE REFUSED (PLANNING ACT, SECTION 53(41)).

NOTE: THE LAST DATE ON WHICH AN APPEAL TO THE LOCAL PLANNING  
APPEAL TRIBUNAL (LPAT) MAY BE FILED IS **February 17<sup>th</sup> 2021.**

**NOTE: THIS DECISION IS NOT FINAL AND BINDING UNLESS OTHERWISE NOTED.**



Committee of Adjustment  
Hamilton City Hall  
71 Main Street West, 5<sup>th</sup> floor  
Hamilton, ON L8P 4Y5  
Telephone (905) 546-2424  
ext. 4221, 3935  
Fax (905) 546-4202

**COMMITTEE OF ADJUSTMENT**  
**DECISION OF THE COMMITTEE**

**APPLICATION NO. GL/A-20:199**  
**SUBMISSION NO. A-199/20**

**APPLICATION NO.:** GL/A-20:199

**APPLICANTS:** Mike Sullivan on behalf of the owner Thomsen-Jung Farms Ltd.

**SUBJECT PROPERTY:** Municipal address **5020 Tyneside Rd., Glanbrook**

**ZONING BY-LAW:** Zoning By-law 05-200, as Amended

**ZONING:** "A1", "P7" & "P8" (Agricultural and Conservation/Hazard Land - Rural) district

**PROPOSAL:** To permit the conveyance of land containing an existing single detached dwelling in accordance with GL/B:20-61 notwithstanding that:

1. A lot width of 0.0m shall be provided (on the lands to be severed) instead of the minimum required lot width of 30.0m.
2. No lot frontage shall be provided (on the lands to be severed) whereas the by-law requires a lot to abut a street for a minimum of 4.5m.
3. The use of a Single Detached Dwelling shall be permitted on the lands to be severed.

**NOTES:**

- i. These variances are necessary to facilitate consent application GL/B-20:61.
- ii. The current 'P7' zone of the lands being severed permits the use of 'existing' Single Detached Dwellings. As a result of the proposed severance, the existing status of this dwelling is effectively lost as it is located on a newly created lot. Variance #3 is necessary in order to permit the continued use of the Single Detached Dwelling.
- iii. A single detached dwelling requires a minimum of one (1) parking space to be provided on site. Such parking shall be provided in accordance with Section 5 of Hamilton Zoning By-law 05-200. Insufficient information has been provided in order to determine zoning compliance. As such, further variances may be required.
- iv. The existing farm buildings on the lands to be retained shall be setback a minimum 15.0m from the proposed new lot line. Insufficient information has been provided in order to determine zoning compliance. Further variances may be required if compliance with this provision cannot be achieved.

**THE DECISION OF THE COMMITTEE IS:**

That the variances, as set out in paragraph three above, are **GRANTED** for the following reasons:

1. The Committee, having regard to the evidence, is of the opinion that the relief granted is of a minor nature.

GL/A-20:199  
Page 2

2. The relief granted is desirable for the appropriate development of the land and building and is not inconsistent with the general intent and purpose of the By-law and the Official Plan as referred to in Section 45 of The Planning Act, 1990.
3. The Committee, having regard to the evidence, is satisfied that there will be no adverse impact on any of the neighbouring lands.
4. The submissions made regarding this matter affected the decision by supporting the granting of the application.

That the said application is GRANTED subject to the following conditions:

1. The owner shall demolish the existing barn (accessory structure) on the lands to be conveyed to the satisfaction of the Planning and Economic Development Department.
2. The applicant shall submit and receive final and binding approval of a Zoning By-law Amendment Application for the subject lands to the satisfaction of the Manager, Development Planning Heritage & Design.

**DATED AT HAMILTON** this 21st day of January 2021.

\_\_\_\_\_  
M. Dudzic (Chairman)

\_\_\_\_\_  
D. Serwatak

\_\_\_\_\_  
L. Gaddy

\_\_\_\_\_  
D. Smith

\_\_\_\_\_  
B. Charters

\_\_\_\_\_  
M. Switzer

\_\_\_\_\_  
T. Lofchik

\_\_\_\_\_  
N. Mleczko

NOTE: THE LAST DATE ON WHICH AN APPEAL TO THE LOCAL PLANNING APPEAL TRIBUNAL (LPAT) MAY BE FILED IS **February 10th, 2021.**

**NOTE: This decision is not final and binding unless otherwise noted.**



**Ontario Land Tribunals**  
Local Planning Appeal Tribunal  
655 Bay Street, Suite 1500  
Toronto ON M5G 1E5  
Telephone: 416-212-6349  
Toll Free: 1-866-448-2248  
Website: [www.olt.gov.on.ca](http://www.olt.gov.on.ca)

## Instructions for preparing and submitting the Appellant Form (A1)

For help navigating the LPAT appeals process, practices and procedures, please see information on the LPAT website <http://olt.gov.on.ca/tribunals/lpat/lpat-process/>

- **Important: Do not send your appeal directly to the Local Planning Appeal Tribunal (LPAT).** Submit your completed appeal form(s) and filing fee(s) by the filing deadline to either the Municipality or the Approval Authority/School Board, as applicable. The notice of decision provided by the Municipality/Approval Authority/School Board will tell you where to send the form and appeal fee.
- The Municipality/Approval Authority/School Board will forward your appeal(s) and fee(s) to the LPAT.
- We are committed to providing services as set out in the *Accessibility for Ontarians with Disabilities Act, 2005*. If you have any accessibility needs, please contact our Accessibility Coordinator as soon as possible at:  
Toll free: 1-866-448-2248; or  
TTY: 1-800-855-1155 via Bell relay
- E-mail is the primary form of communication used by the LPAT. Providing an e-mail address ensures prompt delivery/receipt of documents and information. Please ensure to include your e-mail address in the space provided on the appeal form.
- A filing fee is required for each type of appeal you are filing. Please see the Tribunal's Fee Schedule to calculate the correct amount due.
- To view the Fee Schedule, visit the LPAT's website [<http://olt.gov.on.ca/lpat/fee-chart/>].
- The filing fee **must** be paid by certified cheque or money order, in Canadian funds, payable to the **Minister of Finance**. Do not send cash.
- If you are represented by a lawyer the filing fee may be paid by a solicitor's general or trust account cheque.
- Professional representation is not required but please advise the LPAT if you retain a representative after the submission of this form.
- Should you need more room to provide a further explanation to any sections throughout this form, please attach a separate letter to the back of the form.
- Provide both an electronic copy (.pdf) and paper copy of all document submissions. The electronic submissions are to be provided by USB key.
- The *Planning Act*, *Development Charges Act*, *Education Act*, *Local Planning Appeal Tribunal Act*, and others, are available on the LPAT website [<http://olt.gov.on.ca/lpat/legislation-and-rules/>].



**Ontario Land Tribunals**  
 Local Planning Appeal Tribunal  
 655 Bay Street, Suite 1500  
 Toronto ON M5G 1E5  
 Telephone: 416-212-6349  
 Toll Free: 1-866-448-2248  
 Website: [www.olt.gov.on.ca](http://www.olt.gov.on.ca)

Receipt Number (LPAT Office Use Only)
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Date Stamp Appeal Received by Municipality/Approval Authority
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**To file an appeal, select one or more below**

- Appeal of *Planning Act* matters for Official Plans and amendments, Zoning By-Laws and amendments and Plans of Subdivision, Interim Control By-laws, Site Plans, Minor Variances, Consents and Severances, proceed to Section 1A
- Second appeal of a *Planning Act* matter for Official Plans and amendments, Zoning By-Laws and amendments, proceed to Section 1B. NOTE: Bill 139, *Building Better Communities and Conserving Watersheds Act, 2017*, allows appeals to the Tribunal of some *Planning Act* matters previously determined by LPAT.
- Appeals of other matters, including Development Charges, *Education Act*, *Aggregate Resources Act*, *Municipal Act* and Ontario Heritage, proceed to Section 1C

**1 A. Appeal Type (Please check all applicable boxes)**

Subject of Appeal	Type of Appeal	Reference (Section)
<b>Planning Act Matters</b>		
<b>Official Plan or Official Plan Amendment</b>	<input type="checkbox"/> Appeal a decision by local council that adopted an OP or OPA (exempt from approval by Minister or Approval Authority)	17(24)
	<input type="checkbox"/> Appeal a decision of an Approval Authority that approved or did not approve all or part of a plan or amendment	17(36)
	<input type="checkbox"/> Approval Authority failed to make a decision on the plan within 120 days	17(40)
	<input type="checkbox"/> Council failed to adopt the requested amendment within 120 days	22(7)
	<input type="checkbox"/> Council refuses to adopt the requested amendment	
<b>Zoning By-law or Zoning By-law Amendment</b>	<input type="checkbox"/> Appeal the passing of a Zoning By-law	34(19)
	<input type="checkbox"/> Application for an amendment to the Zoning By-law – failed to make a decision on the application within 90 days	34(11)
	<input type="checkbox"/> Application for an amendment to the Zoning By-law – failed to make a decision within 120 days where the application is associated with an Official Plan Amendment	
<b>Interim Control Zoning By-law</b>	<input type="checkbox"/> Application for an amendment to the Zoning By-law – refused by the municipality	
	<input type="checkbox"/> Appeal the passing of an Interim Control By-law within 60 days (Minister only)	38(4)
	<input type="checkbox"/> Appeal the passing of an extension of an Interim Control By-law within 60 days	38(4.1)
<b>Site Plan</b>	<input type="checkbox"/> Application for a site plan – council failed to make a decision within 30 days	41(12)

Subject of Appeal	Type of Appeal	Reference (Section)
	<input type="checkbox"/> Appeal requirements imposed by the municipality or upper tier municipality	41(12.01)
Minor Variance	<input checked="" type="checkbox"/> Appeal a decision of the Committee of Adjustment that approved or refused the application	45(12)
Consent/Severance	<input checked="" type="checkbox"/> Appeal a decision that approved or refused the application	53(19)
	<input type="checkbox"/> Appeal conditions imposed	
	<input type="checkbox"/> Appeal changed conditions	53(27)
	<input type="checkbox"/> Application for consent – Approval Authority failed to make a decision on the application within 90 days	53(14)
Plan of Subdivision	<input type="checkbox"/> Application for a plan of subdivision – Approval Authority failed to make a decision on the plan within 120 days	51(34)
	<input type="checkbox"/> Appeal a decision of an Approval Authority that approved a plan of subdivision	
	<input type="checkbox"/> Appeal a decision of an Approval Authority that did not approve a plan of subdivision	
	<input type="checkbox"/> Appeal a lapsing provision imposed by an Approval Authority	51(39)
	<input type="checkbox"/> Appeal conditions imposed by an Approval Authority	
	<input type="checkbox"/> Appeal conditions - after expiry of 20 day appeal period but before final approval (only applicant or public body may appeal)	51(43)
	<input type="checkbox"/> Appeal changed conditions	51(48)

**1 B. Appeal Type (Please check all applicable boxes) Only for appeal(s) of a new decision or non-decision by municipality or Approval Authority following a previous LPAT Decision (i.e., second appeal).**

For matters subject to Bill 139 and the associated transition regulation (the second appeal).

Subject of Appeal	Type of Appeal	Reference (Section)
<b>Planning Act Matters</b>		
Official Plan or Official Plan Amendment	<input type="checkbox"/> Appeal of a <b>decision</b> by Approval Authority on an OP or OPA (exempt from approval by Minister or Approval Authority) following a LPAT decision	17(24) and 17(49.6)
	<input type="checkbox"/> Appeal of a <b>decision</b> by Council or Approval Authority on an OP or OPA following a LPAT decision	17(36) and 17(49.6)
	<input type="checkbox"/> Appeal of a <b>refusal</b> within 90 days by Council following a LPAT decision	22(7) and 22(11.0.12)
	<input type="checkbox"/> Appeal of a <b>non-decision</b> within 90 days by Council following a LPAT decision	
Zoning By-law or Zoning By-law Amendment	<input type="checkbox"/> Appeal of a <b>refusal</b> within 90 days by Council following a LPAT decision	34(11) and 34(26.5)
	<input type="checkbox"/> Appeal of a <b>non-decision</b> within 90 days by Council following a LPAT decision	
	<input type="checkbox"/> Appeal of a <b>decision</b> by Council following a LPAT decision	34(19) and 34(26.5)

## 1 C. Other Appeal Types (Please check all applicable boxes)

Subject of Appeal	Type of Appeal	Reference (Section)
<b>Development Charges Act Matters</b>		
Development Charge By-law	<input type="checkbox"/> Appeal a Development Charge By-law	14
	<input type="checkbox"/> Appeal an amendment to a Development Charge By-law	19(1)
Development Charge Complaint	<input type="checkbox"/> Appeal municipality's decision regarding a complaint	22(1)
	<input type="checkbox"/> Failed to make a decision on the complaint within 60 days	22(2)
Front-ending Agreement	<input type="checkbox"/> Objection to a front-ending agreement	47
	<input type="checkbox"/> Objection to an amendment to a front-ending agreement	50
<b>Education Act Matters</b>		
Education Development Charge By-law	<input type="checkbox"/> Appeal an Education Development Charge By-law	257.65
	<input type="checkbox"/> Appeal an amendment to an Education Development Charge By-law	257.74(1)
Education Development Charge Complaint	<input type="checkbox"/> Appeal approval authority's decision regarding a complaint	257.87(1)
	<input type="checkbox"/> Failed to make a decision on the complaint within 60 days	257.87(2)
<b>Aggregate Resources Act Matters</b>		
Aggregate Removal Licence	<input type="checkbox"/> One or more objections against an application for a 'Class A' aggregate removal licence	11(5)
	<input type="checkbox"/> One or more objections against an application for a 'Class B' aggregate removal licence	
	<input type="checkbox"/> Application for a 'Class A' licence – refused by Minister	11(11)
	<input type="checkbox"/> Application for a 'Class B' licence – refused by Minister	
	<input type="checkbox"/> Changes to conditions to a licence	13(6)
	<input type="checkbox"/> Amendment of site plans	16(8)
	<input type="checkbox"/> Minister proposes to transfer the licence – applicant does not have licensee's consent	18(5)
	<input type="checkbox"/> Minister proposes to refuse transfer of licence – applicant is licensee or has licensee's consent to transfer	
	<input type="checkbox"/> Minister proposes to refuse transfer of licence – applicant does not have licensee's consent to transfer	
<input type="checkbox"/> Revocation of licence	20(4)	
<b>Municipal Act Matters</b>		
Ward Boundary By-law	<input type="checkbox"/> Appeal the passing of a by-law to divide the municipality into wards	222(4)
	<input type="checkbox"/> Appeal the passing of a by-law to redivide the municipality into wards	

Subject of Appeal	Type of Appeal	Reference (Section)
	<input type="checkbox"/> Appeal the passing of a by-law to dissolve the existing wards	

**Ontario Heritage Act Matters**

<b>Designation of Property</b>	<input type="checkbox"/> Appeal a Notice of intention to designate property	29(11)
	<input type="checkbox"/> Appeal of an amendment to a by-law designating property	30.1(10)
	<input type="checkbox"/> Appeal a Notice of Intention to repeal a designating by-law or part of a designating by-law	31(9)
	<input type="checkbox"/> Appeal a council's decision to approve or refuse the repealing of a designating by-law or part of a designating by-law	32(7)/32(8)
	<input type="checkbox"/> Appeal council's decision to alter a heritage designated property	33(9)
<b>Heritage Conservation District</b>	<input type="checkbox"/> Appeal the passing of a by-law designating a heritage conservation study area	40.1(4)
	<input type="checkbox"/> Appeal the passing of a by-law designating a heritage conservation district	41(4)

**Other Act Matters**

Subject of Appeal	Act/Legislation Name	Section Number

**2. Location Information**

Address and/or Legal Description of property subject to the appeal  
5020 Tyneside Road, Glanbrook  
Hamilton, Ontario

Municipality  
City of Hamilton

Upper Tier (Example: county, district, region)  
Upper Tier

**3. Appellant/Objector Information**

**Note:** You must notify the LPAT of any change of address or telephone number in writing. Please quote your LPAT Case/File Number(s) after they have been assigned.

Last Name  
Fabac

First Name  
Anita

Company Name or Association Name (Association must be incorporated – include copy of letter of incorporation)  
City of Hamilton

Email Address  
Anita.Fabac@hamilton.ca

Daytime Telephone Number  
905-546-2424 ext. 1258

Alternate Telephone Number

**Mailing Address**

Unit Number	Street Number	Street Name	PO Box
	71	Main Street, W	
City/Town	Province	Country	Postal Code
Hamilton	Ontario	Canada	L8P-4Y5



**4. Representative Information**

I hereby authorize the named company and/or individual(s) to represent me

Last Name  
MacDonald

First Name  
Patrick

Company Name  
City of Hamilton, Corporate Services Department, Legal and Risk Management Services, City of Hamilton

Professional Title  
Solicitor

Email Address  
Patrick.MacDonald@hamilton.ca

Daytime Telephone Number  
905-546-4370

ext. 4708

Alternate Telephone Number

**Mailing Address**

Unit Number

Street Number  
50

Street Name  
Main Street, East, 5th Floor,

PO Box

City/Town  
Hamilton

Province  
Ontario

Country  
Canada

Postal Code  
L8N 1E9

**Note:** If you are representing the appellant and are not licensed under the *Law Society Act*, please confirm that you have written authorization, as required by the LPAT's Rules of Practice and Procedure, to act on behalf of the appellant. Please confirm this by checking the box below.

I certify that I have written authorization from the appellant to act as a representative with respect to this appeal on his or her behalf and I understand that I may be asked to produce this authorization at any time.

**5. Appeal Reasons**

Municipal Reference Number(s)  
GL/B-20:61 and GL/A-20:199

For all appeal types, please outline the nature of the appeal and the reasons for your appeal.

Approval of a Decision to approve a Consent to Sever application as the proposed consent does not meet the four tests required by the Planning Act,  
In particular, it doesn't meet the severance policies in the Rural Hamilton Official Plan - F.1.14.2.1 c) ii) (conform to the Zoning By-law ) and iv) (only be permitted when both severed and retained lots have frontage on a public road).  
The proposed severance is not minor in nature and is not desirable for the appropriate development of the lands.  
Approval of a Decision to approve minor variances (GL/A-20:199).

For appeals of Official Plans, Official Plan Amendments, Zoning By-laws and Zoning By-law Amendments, please indicate if you intend on arguing one or more of the following:

A: A decision of a Council or Approval Authority is:

- Inconsistent with the Provincial Policy Statement, issued under subsection 3(1) of the *Planning Act*
- Fails to conform with or conflicts with a provincial plan
- Fails to conform with an applicable Official Plan

**And**

B: For a non-decision or decision to refuse by council:

- Consistency with the provincial policy statement, issued under subsection 3(1) of the *Planning Act*
- Conformity with a provincial plan
- Conformity with the upper-tier municipality's Official Plan or an applicable Official Plan

If you intend on arguing on one or more of the above throughout a proceeding, please explain:

**Oral/written submissions to council**

If applicable, did you make your opinions regarding this matter known to council?

- Oral submissions at a public meeting of council
- Written submissions to council

**6. Related Matters**

Are there other appeals not yet filed with the Municipality?

- Yes
- No

Are there other matters related to this appeal? (For example: A consent application connected to a variance application)

- Yes
- No ▼

If yes, please provide LPAT Case Number(s) and/or Municipal File Number(s)

**7. Mediation**

Mediation is a confidential process in which the parties to an appeal talk about their differences and, with the facilitative assistance of an impartial individual, a mediator, negotiate a consensual resolution of the appeal. Unless the Tribunal determines that there is a good reason for not addressing the appeal with mediation, all parties shall presume that their differences will first be addressed through a mediation directed by the Tribunal. As such, parties shall act and prepare accordingly, meaning good faith negotiation and collaboration are a priority and are expected by the Tribunal.

- I have read and understand the above statement.

**8. Witness Information**

Detail the nature and/or expertise of witnesses you will have available.

**For all other appeal types :**

Describe expert witness(es)' area of expertise (For example: land use planner, architect, engineer, etc.).

Land Use Planner

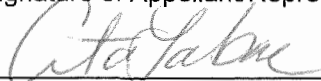
**9. Required Fee**

Total Fee Submitted \$ 475

Payment Method ▶  Certified cheque  Money Order  Lawyer's general or trust account cheque

**10. Declaration**

I solemnly declare that all of the statements and the information provided, as well as any supporting documents are true, correct and complete.

Name of Appellant/Representative	Signature of Appellant/Representative	Date (yyyy/mm/dd)
Anita Fabac		2021/02/04

Personal information or documentation requested on this form is collected under the provisions of the *Planning Act*, R.S.O. 1990 c. P. 13 and the *Local Planning Appeal Tribunal Act*. After an appeal is filed, all information relating to this appeal may become available to the public.



Hamilton

## City of Hamilton Financial Services

## Accounts Payable Cheque Requisition

Invoice #		Invoice Date DD-MMM-YYYY	Feb 04/2021		
Pmt_Handling_Code		Schedule B	<input type="checkbox"/> Separate Cheque		
Forward cheque to	June Christy, City Hall 5th Floor				
Contact Name /Phone#	ext. 5863				
<b>Payment Information</b>					
Payable to: Vendor Name	Ontario Ministry of Finance				
Vendor Number		Location			
Vendor Address	33 King Street West, 1st Floor, Oshawa ON				
City, Province/State	Oshawa, ON	Postal / Zip code	L1H 1A1		
Payment Message	APPEAL - 5020 Tyneside Road, Glanbrook - File No. GL/A-20:199				
Voucher Description	Appeal Sever App & Min Var App				
<b>GL Chartfield Distribution</b>					
<b>Business Unit</b>	<b>Account</b>	<b>Deptid</b>	<b>Projectid</b>	<b>Productid</b>	<b>Amount</b>
HAMTN	55801	812018			475.00
				<b>Subtotal</b>	\$ 475.00
				<b>HST</b>	\$ -
				<b>Voucher Total</b>	\$ 475.00
<b>Vendors HST #</b>	Please enter the Vendor HST here		<b>* NEW Required *</b>		
Prepared by	Lorrie Bowman ext. 6673	Date DD-MMM-YYYY	4/02/21		
F&A Approval		Date DD-MMM-YYYY			

Approved By

*Cita Sabre*

Date  
DD-MMM-YYYY

Page 101 of 240  
Page 10 of 10  
*Feb 7, 2021*

<b>ZONING BY-LAW AMENDMENT MODIFICATION CHART</b>			
<b>Provision</b>	<b>Required</b>	<b>Requested Amendment</b>	<b>Analysis</b>
Section 12.1.1 – Permitted Uses	Residential Care Facility Single Detached Dwelling are permitted.	Prohibit use of Residential Care Facility and Single Detached Dwelling.	Restricting construction of a single detached dwelling and residential care facility on the remnant agricultural parcel implements the policy direction under the Provincial Policy Statement, 2020, Greenbelt Plan, 2017 and Rural Hamilton Official Plan.  Therefore, staff are of the opinion that the modification can be supported.
Section 12.1.3.3 b)	Minimum Lot Width 30.0 metres	0.0 metres.	The subject property obtains separate access from 6229 Chippewa Road via legal deeded Right-of-Way. The requested modification recognizes the existing site access from Tyneside Road.
4.3 a) Frontage on a Street	No lot shall have built upon it a building for any purpose in any zone unless the lot abuts a street for a minimum of 4.5 metres.	No lot frontage on a street.	The modifications are supported by staff, which implements Conditions No. 2 of Minor Variance application GL/A-20:199 and Consent application GL/B-20:61 that is supported by staff.

<b>ZONING BY-LAW AMENDMENT MODIFICATION CHART</b>			
<b>Provision</b>	<b>Required</b>	<b>Requested Amendment</b>	<b>Analysis</b>
Section 3 – Definitions Interior Lot	a lot with frontage on a street excluding a corner lot.	A lot with no frontage on a street excluding a corner lot.	Modifications of the interior lot definition recognizes that subject property contains no frontage on a street to allow appropriate zoning interpretation for any future development applications as the the Front Lot Line definition references the Interior Lot Line.
Section 3 – Definitions Front Lot Line	With reference to an interior lot with multiple lot lines abutting a street, shall mean the shorter of the lot lines abutting the street	The easterly lot line shall be considered the front lot line of the subject lands.	The Front Lot Line definition must be modified to establish that the subject property does not abut a street. Further, the rear and side lot line definitions are reliant on establishing a front lot line as a reference.
7.7.2.2 a)	New Building or Structures shall not be permitted	An accessory building(s) to an existing single detached dwelling shall be permitted.	This proposal establishes new lot lines that will no longer recognize the building setbacks that existed on the effective date of Zoning By-law 05-200. As such, new building and structures will not be permitted without modifying this zone provision to allow accessory building(s) to an existing single detached dwelling. Staff are supportive of this modification.

<b>ZONING BY-LAW AMENDMENT MODIFICATION CHART</b>			
<b>Provision</b>	<b>Required</b>	<b>Requested Amendment</b>	<b>Analysis</b>
7.7.2.3 i)	Notwithstanding Sections 7.7.2.1 a) and 7.7.2.2 a) above, an existing building or structure which is demolished in whole or in part may be rebuilt provided the setbacks to the building or structure which had existed on the date of passing of the By-law are maintained.	Recognize the existing single detached dwelling and existing structures shall be permitted for a lot created subsequent to the effective date of Zoning By-law 05-200. Sections 12.1.3.3 a), c), d), e), f) shall apply for a single detached dwelling and Section 4.3 for accessory buildings.	This proposal establishes new lot lines that will no longer recognize single detached dwelling that existed on the effective date of Zoning By-law 05-200. As result, replacement of the existing single detached dwelling, accessory building(s) will not be permitted without modifying this zone provision and including standard single detached dwelling zone provisions. Staff are supportive of this modification.





WELCOME TO THE CITY OF HAMILTON

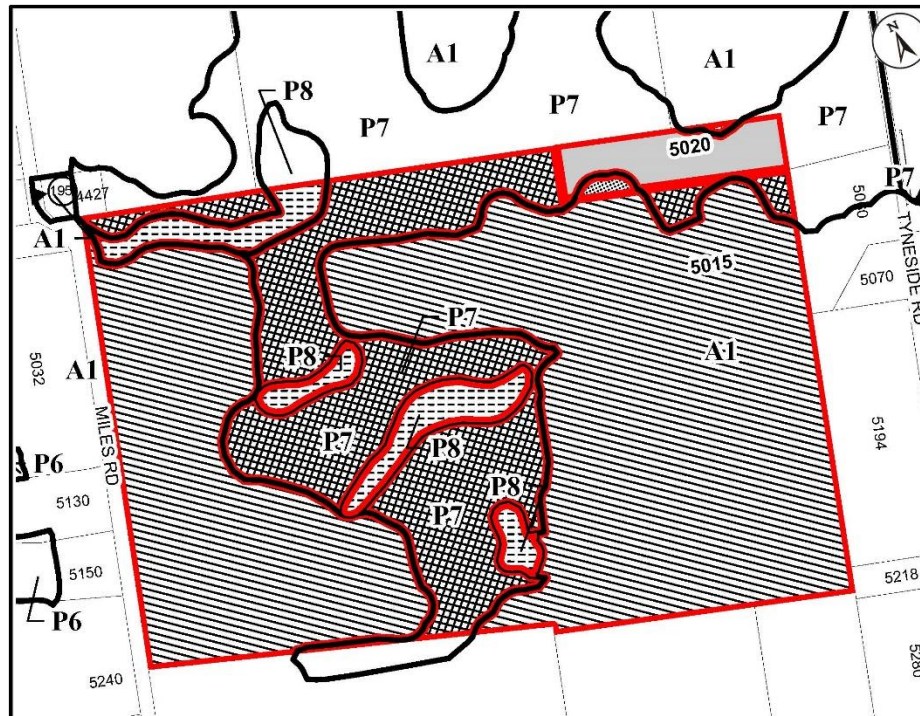
# PLANNING COMMITTEE

June 14, 2022

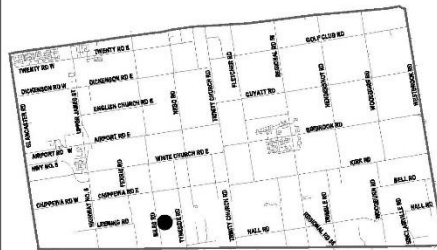
## **PED22121 – (ZAC-21-032 / RHOPA-21-015)**

Applications for a Rural Hamilton Official Plan Amendment and Zoning By-law Amendment for Lands Located at 5020 Tyneside Road, Glanbrook.

Presented by: Aminu Bello



● Site Location



Key Map - Ward 11

### Location Map



PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT

File Name/Number:  
ZAC-21-032 & RHOPA-21-015

Date:  
April 1, 2022






Appendix "A"

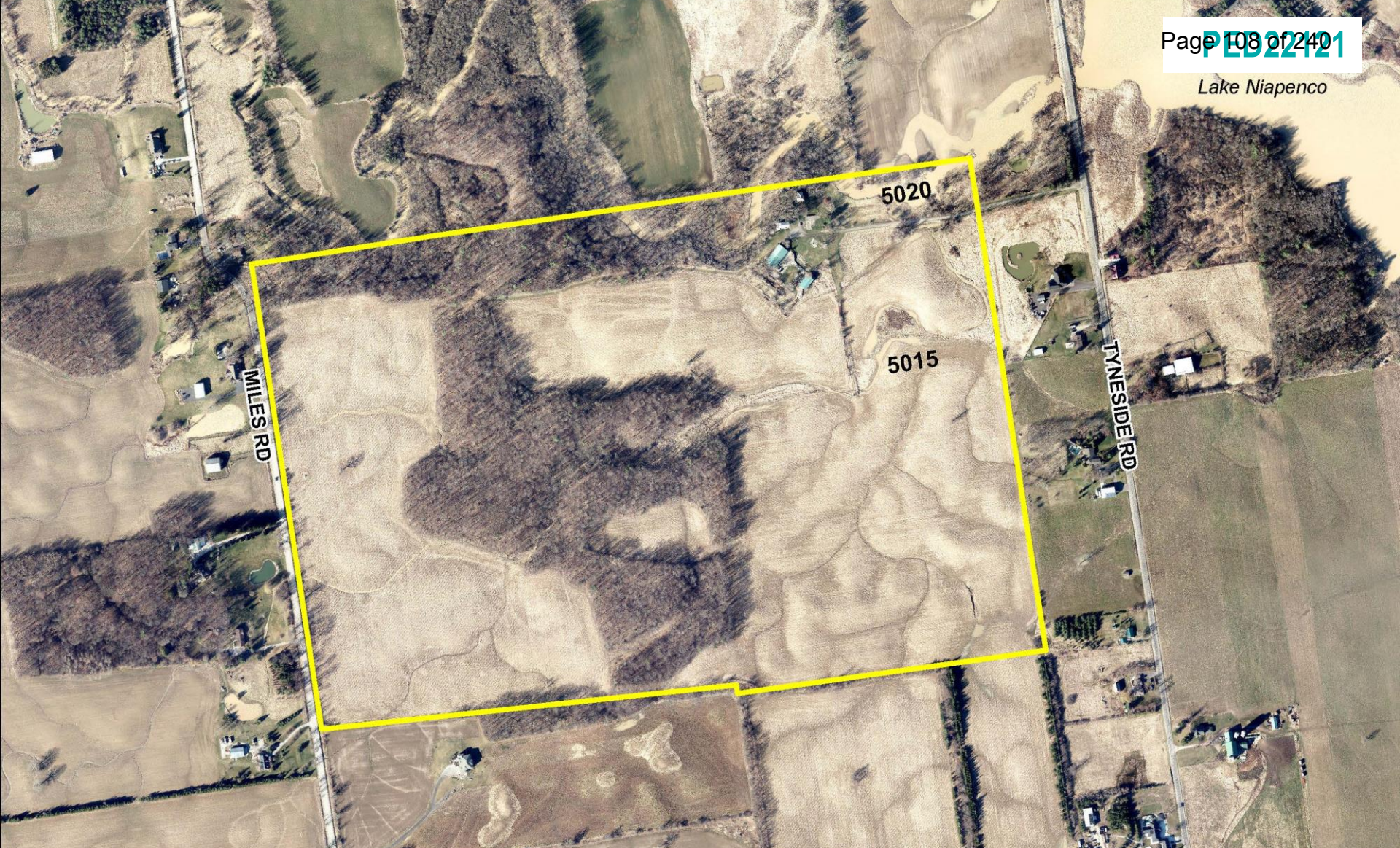
Scale:  
N.T.S.

Planner/Technician:  
AB/NB

#### Subject Property

5015 and 5020 Tyneside Road, Glanbrook

-  Change in Zoning from Agriculture (A1) Zone to Agriculture (A1,118) Zone
-  Change in Zoning from Conservation/Hazard Land Rural (P7) Zone to Conservation/Hazard Land Rural (P7,118) Zone
-  Change in Zoning from Conservation/Hazard Land Rural (P8) Zone to Conservation/Hazard Land Rural (P8,118) Zone
-  Change in Zoning from Agriculture (A1) Zone to Agriculture (A1, 777) Zone
-  Change in Zoning from Conservation/Hazard Land Rural (P7) Zone to Conservation/Hazard Land Rural (P7, 777) Zone



**SUBJECT PROPERTY**



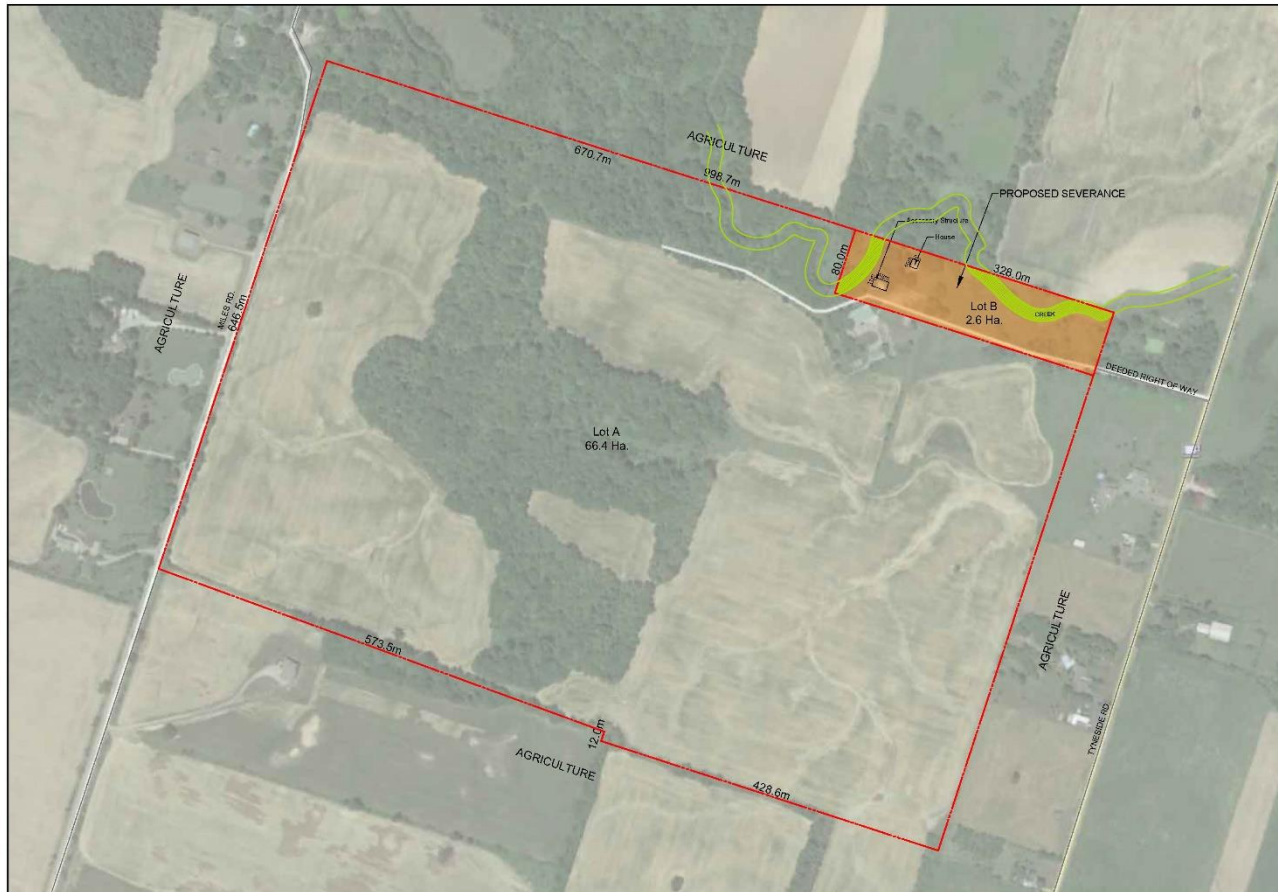
**5015 & 5020 Tyneside Road, Glanbrook**



**WITHOUT PREJUDICE**

Appendix "D" to Report PED22121  
 Page 1 of 1

**PROPOSED SEVERANCE - 5020 TYNESIDE ROAD, GLANBROOK.**



KEY MAP N.T.S.

LEGEND:  
 — PROPERTY LINE

SEVERANCE INFORMATION	
LOT A	66.4 Ha./ 170.5 Acres
LOT B	2.6 Ha./ 6.42 Acres
TOTAL AREA	69 Ha./ 170.5 Acres

**LANDPRO** Michael Sullivan, R.P.P. E.P.  
 PLANNING SOLUTIONS LandPro Planning Solutions  
 707 Park Main St. Welland, ON L3B 3Y5  
 286 687 3730 www.cullivianplanning.ca

**CONCEPTUAL PLAN OF SEVERANCE**  
**5020 TYNESIDE ROAD,**  
**GLANBROOK, CITY OF HAMILTON**  
 PART OF LOTS 11&12, CONCESSION 8, FORMER TOWNSHIP OF GLANBROOK, CITY OF HAMILTON.

DATE: JUNE 8, 2021

SCALE: 1 / 5000



West view of subject lands from Tyneside Road



Northwest view of subject lands from Tyneside Road



East view from of the subject lands from Miles Road





Southeast view of subject lands from Miles Road



# THANK YOU FOR ATTENDING

THE CITY OF HAMILTON PLANNING COMMITTEE



**CITY OF HAMILTON**  
**PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT**  
 Planning Division

<b>TO:</b>	Chair and Members Planning Committee
<b>COMMITTEE DATE:</b>	June 14, 2022
<b>SUBJECT/REPORT NO:</b>	Applications for a Zoning By-law Amendment and Draft Plan of Condominium (Vacant Land) for lands located at 541 and 545 Fifty Road (PED22126) (Ward 12)
<b>WARD(S) AFFECTED:</b>	Ward 12
<b>PREPARED BY:</b>	Rino Dal Bello (905) 546-2424 Ext. 1024
<b>SUBMITTED BY:</b>	Steve Robichaud Director, Planning and Chief Planner Planning and Economic Development Department
<b>SIGNATURE:</b>	

## RECOMMENDATION

- (a) That **Zoning By-law Amendment Application ZAC-21-045, by IBI Group (c/o Jared Marcus) on behalf of Fifty Road Inc. (Owner)**, for a change in zoning from Rural Residential “RR” Zone and Neighbourhood Development “ND” Zone to Single Residential “R3-45” Zone, Modified, to permit 11 residential units for single detached dwellings and a private road as part of a Vacant Land Condominium for the lands located at 541 and 545 Fifty Road, as shown on Appendix “A” attached to Report PED22126, be **APPROVED** on the following basis:
- (i) That the draft By-law, attached as Appendix “B” to Report PED22126 which has been prepared in a form satisfactory to the City Solicitor, be enacted by City Council;
  - (ii) That the proposed change in zoning is consistent with the Provincial Policy Statement (2020), and conforms to the Growth Plan for the Greater Golden Horseshoe (2019, as amended);

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**SUBJECT: Application for a Zoning By-law Amendment and Draft Plan of Condominium (Vacant Land) for Lands Located at 541 and 545 Fifty Road, Stoney Creek (PED22126) (Ward 12) - Page 2 of 19**

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- (iii) That the proposed change in zoning complies with the Urban Hamilton Official Plan;
- (b) That **Draft Plan of Condominium Application (Vacant Land) 25CDM-202120, by IBI Group (c/o Jared Marcus) on behalf of Fifty Road Inc. (Owner)**, to establish a Draft Plan of Condominium (Vacant Land) on lands located at 541 and 545 Fifty Road (Stoney Creek), as shown on Appendix “A”, attached to Report PED22126, be **APPROVED** subject to the following:
  - (i) That this approval apply to the Draft Plan of Condominium (Vacant Land) Application 25CDM-202120, prepared by IBI Group and certified by S.D. McLaren, O.L.S., dated September 1, 2021, consisting of 11 vacant land units for single detached dwellings, a private condominium road with associated sidewalks, 11 visitor parking spaces, two barrier free parking spaces and centralized mailboxes, attached as Appendix “D” to Report PED22126, subject to the owner entering into a standard form condominium approval agreement as approved by City Council, and with Special Conditions attached as Appendix “E” to Report PED22126;
  - (ii) That Payment of Cash-in-Lieu or dedication of Parkland will be required, pursuant to Section 51 of the *Planning Act*, with the calculation for the payment to be based on the value of the lands on the day prior to the day of issuance of each building permit, all in accordance with the Financial Policies for Development and the City’s Parkland Dedication By-laws, as approved by Council;
  - (iii) In accordance with the City’s Comprehensive Development Guidelines and Financial Policies Manual (2017) there will be no cost sharing for this development.

## **EXECUTIVE SUMMARY**

The Owner, Fifty Road Inc., has applied for an amendment to the Stoney Creek Zoning By-law No. 3692-92 to change the zoning from Rural Residential “RR” Zone and Neighbourhood Development “ND” Zone to a site specific Single Residential “R3” Zone to permit 11 vacant residential units for single detached dwellings fronting onto a private condominium road with 11 visitor parking spaces including two barrier free parking, as shown on Appendix “A” attached to Report PED22126 for the lands municipally known as 541 and 545 Fifty Road.

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A vacant land condominium is one in which the units need not be constructed upon at the time the condominium is registered. A vacant land condominium can consist only of bare land and at least one unit must have no buildings or structures on it.

The purpose of the Draft Plan of Condominium (Vacant Land) application is for 11 vacant land units for single detached dwellings and to establish a private condominium road with associated sidewalks, visitor parking, two barrier free parking spaces and centralized mailboxes.

Prior to registration of the Draft Plan of Condominium (Vacant Land), the owner shall apply for a Site Plan Control application. The Application will be required to address architectural design, landscaping, site lighting design, stormwater management, preliminary grading, road design and water and wastewater servicing.

The proposal has merit and can be supported for the following reasons:

- It is consistent with the Provincial Policy Statement (PPS, 2020);
- It conforms to A Place to Grow: Growth Plan for the Greater Golden Horseshoe (2019, as amended);
- It complies with the Urban Hamilton Official Plan (UHOP) and the Urban Lakeshore Area Secondary Plan; and,
- The proposal is compatible with the surrounding area and represents good planning which will assist in meeting the current demand for housing in the City and provide economic benefits to the neighbourhood while also maintaining the goals and objectives of the Urban Hamilton Official Plan.

**Alternatives for Consideration – See Page 18**

**FINANCIAL – STAFFING – LEGAL IMPLICATIONS**

Financial: N/A

Staffing: N/A

Legal: As required by the *Planning Act*, Council shall hold at least one Public Meeting to consider an Application for a Zoning By-law Amendment and Draft Plan of Condominium (Vacant Land).

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## HISTORICAL BACKGROUND

<b>Application Details</b>	
Owner:	Fifty Road Inc.
Applicant/Agent:	IBI Group (c/o Jared Marcus)
File Number:	ZAC-21-045
Type of Application:	Zoning By-law Amendment and Draft Plan of Condominium (Vacant Land).
Proposal:	The purpose of the Zoning By-law amendment Application is to permit 11 residential units for single detached dwellings fronting onto a condominium road with the associated 11 visitor parking spaces including two barrier free parking spaces. The zoning amendment to permit the proposed development will include site specific modifications to the Zoning By-law.
<b>Property Details</b>	
Municipal Address:	541 and 545 Fifty Road, Stoney Creek
Lot Area:	±0.701 hectares (1.73 acres) (irregular)
Servicing:	The property is serviced by municipal services.
Existing Use:	One single detached dwelling on each lot.
<b>Documents</b>	
Provincial Policy Statement (PPS):	The proposal is consistent with the PPS (2020).
A Place to Grow:	The proposal conforms to A Place to Grow: Growth Plan for the Greater Golden Horseshoe (2019), as amended.
Official Plan Existing:	“Neighbourhoods” on Schedule “E-1” – Urban Land Use Designations.
Official Plan Proposed:	No amendment proposed.
Secondary Plan Existing:	“Low Density Residential 2b” – Urban Lakeshore Area Secondary Plan.
Secondary Plan Proposed:	No amendment proposed.
Zoning Existing:	Rural Residential “RR” Zone and Neighbourhood Development “ND” Zone.

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**SUBJECT: Application for a Zoning By-law Amendment and Draft Plan of Condominium (Vacant Land) for Lands Located at 541 and 545 Fifty Road, Stoney Creek (PED22126) (Ward 12) - Page 5 of 19**

<b>Documents</b>	
Zoning Proposed:	Single Residential "R3-45" Zone, Modified
Modifications Proposed:	<ul style="list-style-type: none"> <li>• A condominium road shall be deemed to be a street, and parking, landscaping and amenity areas shall be permitted within the condominium road;</li> <li>• In addition to the definition of a Lot in Part 2 of Zoning By-law No. 3692-92, that for the purposes of this Zone "R3-45", a vacant land condominium unit within a draft approved or registered plan of condominium shall be considered a Lot;</li> <li>• To reduce the minimum interior lot frontage from 12.0 metres to 9.0 metres;</li> <li>• To reduce the minimum front yard to 6.0 metres to a garage, and 4.5 metres to a dwelling unit;</li> <li>• To reduce the minimum Side Yard from 3.0 metres for corner lots to 1.25 metres on a corner lot abutting a private road;</li> <li>• To increase the maximum building height from 11.0 metres to 12.0 metres;</li> <li>• To increase the maximum lot coverage from 40% to 56%;</li> <li>• No parking space shall be provided closer than 1.5 metres to any lot line or closer than 2.7 metres to any dwelling unit located on a lot other than the said lot whereas 3.0m is required;</li> <li>• To permit parking spaces for physically challenged persons to have a width of not less than 2.8 metres and a length of not less than 5.8 metres, and to have an additional painted aisle adjacent to the space of not less than 1.5 metres in width;</li> <li>• To permit a single step to project not more than 0.3 metres into the required length or width of a parking space to 0.6 metres; and,</li> <li>• To permit balconies, canopies, unenclosed porches, including a cold cellar underneath same, to project into any required side yard abutting a flankage lot line to a maximum of 1.5 metres.</li> </ul>
<b>Processing Details</b>	
Received:	September 13, 2021.
Deemed Complete:	October 12, 2021.
Notice of Complete Application:	Sent to 157 property owners within 120 m of the subject lands on October 15, 2021.
Public Notice Sign:	Posted November 11, 2021 and updated on May 18, 2022.
Notice of Public Meeting:	Sent to 157 property owners within 120 m of the subject lands on May 27, 2022.

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**SUBJECT: Application for a Zoning By-law Amendment and Draft Plan of Condominium (Vacant Land) for Lands Located at 541 and 545 Fifty Road, Stoney Creek (PED22126) (Ward 12) - Page 6 of 19**

Processing Details	
Public Open House	September 9, 2021.
Public Comments:	Four written comments were received, attached as Appendix "G" to Report PED22126.
Processing Time:	273 days from the date of receipt of the Application.

### Existing Land Use and Zoning

	Existing Land Use	Existing Zoning
<b>Subject Lands:</b>	Residential	Rural Residential "RR" Zone and Neighbourhood Development "ND" Zone.
<b>Surrounding Land Uses:</b>		
North	Residential	Residential "R4-18" Zone.
South	Residential	Rural Residential "RR" Zone.
East	Residential	Residential "R-36" Zone and Residential "R1-13" Zone.
West	Residential	Residential "R4-18" Zone.

## POLICY IMPLICATIONS AND LEGISLATED REQUIREMENTS

### Provincial Planning Policy Framework

The Provincial Planning Policy Framework is established through the *Planning Act* (Section 3), the Provincial Policy Statement (PPS 2020), and A Place to Grow: Growth Plan for the Greater Golden Horseshoe, 2019, as amended. The *Planning Act* requires that all municipal land use decisions affecting planning matters shall be consistent with the PPS (2020). The *Places to Grow Act* requires that all municipal land use decisions made under the *Planning Act* conform to the Growth Plan.

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**SUBJECT: Application for a Zoning By-law Amendment and Draft Plan of Condominium (Vacant Land) for Lands Located at 541 and 545 Fifty Road, Stoney Creek (PED22126) (Ward 12) - Page 7 of 19**

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The mechanism for the implementation of the Provincial plans and policies is through the Official Plan. Through the preparation, adoption and subsequent Ontario Land Tribunal approval of the City of Hamilton Official Plans, the City of Hamilton has established the local policy framework for the implementation of the Provincial planning policy framework. As such, matters of provincial interest are reviewed and discussed in the UHOP analysis below.

As the Applications for Zoning By-law Amendment and Draft Plan of Condominium (Vacant Land) comply with the UHOP it is staff's opinion that the Applications are:

- Consistent with Section 3 of the *Planning Act*;
- Consistent with the PPS (2020); and,
- Conform to A Place to Grow: Growth Plan for the Greater Golden Horseshoe, 2019, as amended.

### **Urban Hamilton Official Plan (UHOP)**

The subject lands are identified as "Neighbourhoods" on Schedule "E" – Urban Structure and designated "Low Density Residential 2b" on Land Use Plan Map B.7.3-1 – Urban Lakeshore Area Secondary Plan. The following policies, amongst others, apply to the proposal.

### **Urban Design Policies**

- "B.3.3.2.6 Where it has been determined through the policies of this Plan that compatibility with the surrounding areas is desirable, new development and redevelopment should enhance the character of the existing environment by:
- a) Complementing and animating existing surroundings through building design and placement as well as through placement of pedestrian amenities;
  - d) Complementing the existing massing patterns, rhythm, character, colour, and surrounding context; and,
  - e) Encouraging a harmonious and compatible approach to infilling by minimizing the impacts of shadowing and maximizing light to adjacent properties and the public realm;

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**SUBJECT: Application for a Zoning By-law Amendment and Draft Plan of Condominium (Vacant Land) for Lands Located at 541 and 545 Fifty Road, Stoney Creek (PED22126) (Ward 12) - Page 8 of 19**

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- B.3.3.3.2 New development shall be designed to minimize impact on neighbouring buildings and public spaces by:
- a) Creating transitions in scale to neighbouring buildings;
  - b) Ensuring adequate privacy and sunlight to neighbouring properties; and,
  - c) Minimizing the impacts of shadows and wind conditions;
- B.3.3.3.3 New development shall be massed to respect existing and planned street proportions; and,
- B.3.3.3.4 New development shall define the street through consistent setbacks and building elevations. Design directions for setbacks and heights are found in Chapter E – Urban Systems and Designations and in the Zoning By-law;

### **Neighbourhoods**

- E.3.3.1 Lower density residential uses and building forms shall generally be located in the interiors of neighbourhood areas with higher density dwelling forms and supporting uses located on the periphery of neighbourhoods on or in close proximity to major or minor arterial roads;
- E.3.3.2 Development or redevelopment adjacent to areas of lower density shall ensure the height, massing, and arrangement of buildings and structures are compatible with existing and future uses in the surrounding area;
- E.3.4.1 The preferred location for low density residential uses is within the interior of neighbourhoods;
- E.3.4.2 Low density residential areas are characterized by lower profile, grade-oriented built forms that generally have direct access to each unit at grade; and,
- E.3.4.5 For low density residential areas, the maximum height shall be three storeys.”

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**SUBJECT: Application for a Zoning By-law Amendment and Draft Plan of Condominium (Vacant Land) for Lands Located at 541 and 545 Fifty Road, Stoney Creek (PED22126) (Ward 12) - Page 9 of 19**

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The surrounding area is characterized by existing single detached dwellings ranging in height from one to two storeys and located close to the street line. The proposed massing is also consistent with the existing area. Based on the size, scale, setbacks, and orientation of the proposed single detached units, adequate privacy will be provided to neighbouring properties. The proposed development will not create shadow and overlook impacts on adjacent dwellings (Policy B.3.3.3.2, B.3.3.3.4, B.3.3.2.6 a).

### **Urban Lakeshore Area Secondary Plan**

The subject lands are designated “Low Density Residential 2b” on Land Use Plan Map B.7.3-1 – Urban Lakeshore Area Secondary Plan. The following Urban Lakeshore Area Secondary Plan policies, amongst others, apply to the proposal.

“7.3.1.3            Low Density Residential 2b Designation

Notwithstanding Policies E.3.4.3 and E.3.4.4 of Volume 1, the following policies shall apply to the lands designated Low Density Residential 2b on Map B.7.3-1 – Urban Lakeshore Area - Land Use Plan:

- a) The permitted uses shall be single, semi-detached and duplex dwellings; and,
- b) The density shall range from 1 to 29 units per net residential hectare.”

The development is proposing 11 vacant land condominium units for single detached dwellings on 0.7 net residential hectares, which equates to 16 units per net residential hectare which is consistent with the adjacent properties in the surrounding area and complies with the intent of the Low Density Residential 2b Designation.

Based on the foregoing, Staff are of the opinion that the proposal complies with the applicable policies of the Urban Lakeshore Area Secondary Plan.

### **Stoney Creek Zoning By-law No. 3692-92**

The subject lands are currently zoned Rural Residential “RR” Zone and Neighbourhood Development “ND” Zone under the Stoney Creek Zoning By-law No. 3692-92.

The Rural Residential “RR” Zone permits a single detached dwelling per lot; uses, buildings or structures accessory to a permitted use; and a home occupation.

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The Neighbourhood Development “ND” Zone permits one single detached dwelling and uses, buildings or structures accessory per lot. Any additions to, or reconstruction of a single detached dwelling shall comply with Section 5.4.3 or any accessory building shall comply with the provisions of Section 5.4.3 and Section 5.4.6.

The Application is to amend the Stoney Creek Zoning By-law No. 3692-92 from the Rural Residential “RR” Zone and Neighbourhood Development “ND” Zone to the Single Residential “R3-45” Zone with site specific modifications to permit residential units on the subject lands. The proposed development consists of 11 vacant land lots for single detached dwellings, a private condominium road which will include sidewalks, 11 visitor parking spaces, and centralized mailboxes.

An analysis of the proposed modifications is provided in the Zoning By-law Site Specific Modifications Table contained in Appendix “F” attached to Report PED22126.

### RELEVANT CONSULTATION

Departments and Agencies		
<ul style="list-style-type: none"> <li>Public Works Department, Strategic Planning Section</li> <li>Planning and Economic Development Department, Real Estate Section and Commercial Districts and Small Business Section.</li> </ul>		No Comment
Department	Comment	Staff Response
Development Engineering Approvals Section, Planning and Economic Development Department	<p>The subject properties (541 and 545 Fifty Road) are subject to cost recoveries along the entire frontage of the lots along Fifty Road for Road works and the sanitary sewer. The Applicant / Owner shall pay their share of cost recoveries as a special condition of the Site Plan Control Application.</p> <p>Detailed cross-sections will be required along the north, west, and south property lines to demonstrate that neighbouring properties are not negatively impacted by the proposed development.</p>	Development Engineering has requested Easements be added to the Draft Plan of Condominium for the purposes of entering, inspecting and undertaking, at any time, modifications to the surface drainage of the said Units and the Common Elements of the Condominium in accordance with the Detailed Grading Plan and the Overall Grading Plan approved by the City of Hamilton for the future single detached dwellings only.

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Department	Comment	Staff Response
<p>Development Engineering Approvals Section, Planning and Economic Development Department <b>(Continued)</b></p>	<p><b>Water Servicing Review</b></p> <p>The required fire flow (RFF) has been calculated as 9000 L/min (150 L/s) using the Ontario Building Code (OBC) Fire Protection Water Supply Guideline. This calculation was based on a building footprint of 2395 m<sup>2</sup>, a building height of 6.1 m, a water supply coefficient of 23, and a spatial coefficient of 1.0.</p> <p>The City's most recent hydrant testing at the closest municipal hydrants on Fifty Road (SA01H021 and SA01H022, dated July 18, 2019 and July 5, 2019 respectively) resulted in theoretical available flows of 2340 IGPM (177 L/s) and 2471 IGPM (187 L/s), respectively, at 20psi.</p> <p>The information is satisfactory to support the Zoning Bylaw Amendment and Draft Plan of Condominium Applications and there are no concerns from a water servicing perspective at this time. Updated domestic water usage and RFF calculations, based on the final design of the proposed buildings, will be required at the time of detailed design.</p> <p>Development Engineering is able to support this Application moving forward. Detailed review and comments/conditions will be provided upon submission of the Site Plan and Draft Plan of Condominium Applications.</p>	<p>The requirement for the registration of the easements on the lands is addressed as Condition No. 1 in Appendix "E" attached to Report PED22126.</p>

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**SUBJECT: Application for a Zoning By-law Amendment and Draft Plan of Condominium (Vacant Land) for Lands Located at 541 and 545 Fifty Road, Stoney Creek (PED22126) (Ward 12) - Page 12 of 19**

Department	Comment	Staff Response
<p>Transportation Planning and Parking Division, Planning and Economic Development Department</p>	<p>Transportation Impact study was waived. Transportation Planning supports the proposed Zoning By-law amendment (ZAC-21-045) and the Draft Plan of Vacant Land Condominium (25CDM-202120). Right-of-Way dedications are required.</p> <p>Visibility triangles must be provided for the driveway access.</p>	<p>Visibility triangles will be addressed at the Site Plan Control Stage.</p> <p>Concept plan shows the right-of-way dedication. A survey will be required by the Applicant to determine the ultimate dimensions for the right-of-way to be dedicated at the Site Plan Control Stage.</p>
<p>Growth Planning Section, Growth Management Division</p>	<p>The municipal addressing for the proposed development will be finalized as part of the Site Plan Control Application.</p>	<p>The municipal address will be finalized through the Site Plan Control Stage.</p> <p>Staff have added a note for the Draft Plan of Condominium advising of the lapsing date, refer to Note No. 1 in Appendix "E" attached to Report PED22126.</p> <p>The proposed single detached units will have Condominium tenure which will be established through approval of the Condominium Application.</p>
<p>Capital Budgets and Development, Corporate Services Department.</p>	<p>Payment of the Municipal Act Sanitary Sewer and Connection Charge under By-law No. 02-307 for 541 and 545 Fifty Road in the total amount of \$18,348.04.</p>	<p>The Municipal Act fee will be required to be paid as a condition of the Draft Plan of Condominium, refer to Condition No. 12 in Appendix "E" attached to Report PED22126.</p>
<p>Public Works Department</p>	<p>Cash in lieu of parkland will be required.</p>	<p>Cash for parkland will be collected at the building permit stage.</p>

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Department	Comment	Staff Response
Forestry and Horticulture Section, Environmental Services Division, Public Works Department	Forestry supports the proposed Zoning By-law amendment and approved the landscape plan.	Staff have added a Condition for the Draft Plan of Condominium in regard to the requirement for a landscape plan and payment of all applicable fees, refer to Condition No. 5 in Appendix "E" to Report PED22126.
Waste Management Division, Public Works Department	The proposed development is not eligible for municipal waste collection service subject to meeting the City's requirements for serviceability.	Staff have added notes for the Draft Plan of Condominium Approval, refer to Notes No. 2 to 4 in Appendix "E" attached to Report PED22126.
Bell Canada	Requested conditions regarding easements be included in the draft plan of condominium.	These requirements have been included as Conditions No. 9 and No. 10 in Appendix "E" attached to Report PED22126.
Canada Post	Requested conditions regarding centralized mailboxes be included in the draft plan of condominium.	This requirement has been included as Condition No. 6 in Appendix "E" attached to Report PED22126.
Alectra Utilities	Requested condition regarding easements for utilities be included in draft plan of condominium.  For Residential/Commercial electrical service requirements, the Developer needs to contact our ICI and Layouts Department at 1-877-963-6900 ext: 25713 or visit our web site at <a href="http://www.alectrautilities.com">www.alectrautilities.com</a>	This requirement has been included as Condition No. 13 in Appendix "E" attached to Report PED22126.
Union Gas	Requested condition regarding easements be included in draft plan of condominium.	This requirement has been included as Condition No. 11 in Appendix "E" attached to Report PED22126.
Rogers	Requested condition regarding easements be included in draft plan of condominium.	This requirement has been included as Conditions No. 7 and No. 8 in Appendix "E" attached to Report PED22126.

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**SUBJECT: Application for a Zoning By-law Amendment and Draft Plan of Condominium (Vacant Land) for Lands Located at 541 and 545 Fifty Road, Stoney Creek (PED22126) (Ward 12) - Page 14 of 19**

<b>Public Consultation</b>		
	<b>Comment</b>	<b>Staff Response</b>
Parking issues in the area.	Not enough parking to accommodate the resident's and guest's parked vehicles in the proposed development. Living on Kingston Rd. already presents congested, and at times, dangerous parking and driving situations. There is a risk that not having enough parking spaces in the proposed development will force cars to park on already congested adjacent streets, such as Kingston Road.	The proposed development is providing sufficient parking for the proposed units and additional parking for visitors. The development does satisfy the parking requirements as set out in the Zoning By-law.
Construction Parking	Concern raised regarding where workers would park, as street parking is limited in the neighbourhood and this will cause an issue for residents who must park on the street.	The Applicant will be required to submit a construction management plan during the site plan review process which will include details related to parking for construction workers.
Shadowing and obscuring sun	Shadowing and obscuring of sun to existing properties that surround the proposed development.	The surrounding area consists of single detached units that are one to two storeys in height and the development is proposing single detached, low density development. The proposed massing of the proposed units in respect to height is consistent with the existing area. Based on the size, scale, setback, and orientation of the proposed single detached units, adequate privacy and sunlight will be provided to neighbouring properties and will not create shadow and overlook impacts.

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**SUBJECT: Application for a Zoning By-law Amendment and Draft Plan of Condominium (Vacant Land) for Lands Located at 541 and 545 Fifty Road, Stoney Creek (PED22126) (Ward 12) - Page 15 of 19**

<b>Public Consultation</b>		
	<b>Comment</b>	<b>Staff Response</b>
Lighting	Concerns regarding lighting and the spill effect it will create into existing properties, including additional street lights and or any lighting to the houses for example, bright pot lights along the back side of the homes.	Lighting from any pole will be required to be contained on the subject lands and will be reviewed as part of the Site Plan Control Application.
Removal of Mature trees	<p>Concerns were raised regarding removal of mature trees. Despite efforts to replant the same number of trees, this will not be sufficient to replace the current level of green space that is present and enjoyed by the local residents.</p> <p>Concerns regarding the mature trees that not only line all existing properties but also the larger ones that fill both properties. Concern is to save at least the perimeter trees that line all existing properties.</p>	The Applicant has submitted a Tree Protection Plan and a Landscape Plan. These plans have been reviewed by staff and it has been determined that the plans are satisfactory and meet all the guidelines set out by the City's policies. These plans will be implemented at the Site Plan Control Stage.
Traffic Congestion	Traffic congestion created on Fifty Road, from cars waiting to turn into the proposed development.	Transportation Planning has determined, without setting a precedent that minimal vehicle traffic will be generated by this development and is unlikely to have a perceptible negative impact on the area road network.
Animals	There are many birds, owls, rabbits, possums, and raccoons that live on those properties and will be losing their homes. What steps will be taken to safely move these animals to a new location?	There are no Core Areas or natural features contained on the subject properties. The timing of any vegetation removals will be coordinated to ensure that it occurs outside of breeding and nesting season.

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**SUBJECT: Application for a Zoning By-law Amendment and Draft Plan of Condominium (Vacant Land) for Lands Located at 541 and 545 Fifty Road, Stoney Creek (PED22126) (Ward 12) - Page 16 of 19**

<b>Public Consultation</b>		
	<b>Comment</b>	<b>Staff Response</b>
Snow placement	Snow placement limitations during the Winter months, given limited land space in the proposed development.	Snow will be removed off site during heavy snow falls. This will be further reviewed at the Site Plan Control Stage.
Visual Sight Lines	Visual sight lines created into existing housing.	Based on the size, scale, setback, and orientation of the proposed single detached units, adequate privacy will be provided to neighbouring properties.
Number of Homes	Why not replace two homes with two homes? 11 is excessive.	The development is providing additional residential units to increase the current housing stock as per the UHOP policy 7.3.1.4.
Fencing	The developers stated they would not be putting up fences before/during/after the build and a concern was raised that dangerous equipment, machines, and materials would be left open to adjacent properties.	The developer is required to place construction fencing around the perimeter of the subject lands during construction. The developer and/or owners of the units can erect a fence on their property as per the Fence By-law.

## **PUBLIC CONSULTATION**

In accordance with the provisions of the *Planning Act* and the Council Approved Public Participation Policy, notice of complete Application and preliminary circulation of the proposal were sent to 157 property owners within 120m of the subject lands on October 15, 2021. A Public Notice Sign was posted on the property on November 11, 2021 and updated on May 18, 2022. A Notice of Public Meeting was given in accordance with the requirements of the *Planning Act* to 157 property owners within 120m of the subject lands on May 27, 2022.

At the time of writing this report, four letters have been submitted expressing concerns with the proposed development. The written letters are attached as Appendix "H" to Report PED22126. These concerns have been summarized in the table above.

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**SUBJECT: Application for a Zoning By-law Amendment and Draft Plan of Condominium (Vacant Land) for Lands Located at 541 and 545 Fifty Road, Stoney Creek (PED22126) (Ward 12) - Page 17 of 19**

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**Public Consultation Strategy**

In addition to the requirements of the *Planning Act*, a virtual community meeting, hosted by the Applicant, was held on September 9, 2021. The Applicant presented the proposal to the members of the public and addressed questions and concerns associated with the Application. A notice of the meeting was mailed by the agent to the surrounding property owners. An email from the Ward Councillor's office was sent advising residents of the meeting to inform the community of the virtual meeting.

**ANALYSIS AND RATIONALE FOR RECOMMENDATION**

1. The proposal has merit and can be supported for the following reasons:
  - i. It is consistent with the Provincial Policy Statement (2020) and conforms to A Place to Grow: Growth Plan for the Greater Golden Horseshoe (2019), as amended;
  - ii. It complies with the policies of the UHOP and the Urban Lakeshore Area Secondary Plan; and,
  - iii. The proposed development is compatible with the existing land uses in the immediate area and represents good planning by, among other things, providing low-density residential housing and making efficient use of the land and existing infrastructure within the urban boundary.
2. The Zoning By-law Amendment Application is for a change in zoning from Rural Residential "RR" Zone and Neighbourhood Development "ND" Zone to a site specific Single Residential "R3-45" Zone, Modified under the Stoney Creek Zoning By-law No. 3692-92.

The implementing by-law proposes modifications to the Single Residential "R3" Zone with respect to the minimum front yard, side yard, maximum building height, lot coverage, distance of a parking space to a lot line, accessible parking spaces to be AODA compliant, parking spaces with residential garages with steps projecting into the garage, and that balconies, canopies, unenclosed porches, including a cold cellar may project into any required side yard abutting a flankage lot line. Staff have reviewed the site-specific modifications that are being requested and are of the opinion that the site-specific modifications are suitable for the proposed development and support the proposal as it complies with the UHOP.

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**SUBJECT: Application for a Zoning By-law Amendment and Draft Plan of Condominium (Vacant Land) for Lands Located at 541 and 545 Fifty Road, Stoney Creek (PED22126) (Ward 12) - Page 18 of 19**

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3. The proposed Draft Plan of Condominium (Vacant Land) is for 11 vacant land units for single detached residential dwellings and common elements for a private road as well as 11 visitor parking spaces and sidewalks, as shown on the attached plan, marked as Appendix "D" attached to Report PED22126. The private condominium road will provide access to Fifty Road. All 11 lots will be accessed from the private condominium road. Staff are supportive of the Draft Plan of Condominium (Vacant Land) and recommend its approval, subject to the conditions attached as Appendix "E" to Report PED22126.
4. Prior to registration of the Draft Plan of Condominium (Vacant Land), a Site Plan Control Application will be required to address, but not limited to, architectural design, landscaping, site lighting design, stormwater management, preliminary grading, road design, dedication of road right-of-way, provisions of sidewalks, and water and wastewater servicing (Condition No. 3 of Appendix "E" attached to Report PED22126). Development cannot occur until the Vacant Land Condominium is registered to create the individual units.
5. That the final Draft Plan of Condominium (Vacant Land) shall comply, in all respects with all of the applicable provisions of the Zoning By-law and, with the final approved Site Plan Control Application (Condition No. 4 of Appendix "E" attached to Report PED22126).
6. That the owner must include warning clauses in all purchase and sale agreements to advise perspective purchasers that the City of Hamilton will not provide maintenance or snow removal; that garages and visitor parking are for parking; and, home mail delivery will be from a community mail box (Condition No. 2 of Appendix "E" attached to Report PED22126).

### **ALTERNATIVES FOR CONSIDERATION**

Should the Applications be denied, the subject property would remain zoned Rural Residential "RR" Zone and Neighbourhood Development "ND" Zone, in the Stoney Creek By-law No. 3692-92 which would permit one single detached dwelling per lot, greenhouse, urban farm, community garden, buildings or structures accessory to a permitted use, and a home occupation.

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**SUBJECT: Application for a Zoning By-law Amendment and Draft Plan of Condominium (Vacant Land) for Lands Located at 541 and 545 Fifty Road, Stoney Creek (PED22126) (Ward 12) - Page 19 of 19**

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## **ALIGNMENT TO THE 2016 – 2025 STRATEGIC PLAN**

### **Community Engagement and Participation**

Hamilton has an open, transparent and accessible approach to City government that engages with and empowers all citizens to be involved in their community

### **Healthy and Safe Communities**

Hamilton is a safe and supportive City where people are active, healthy, and have a high quality of life.

### **Our People and Performance**

Hamiltonians have a high level of trust and confidence in their City government.

## **APPENDICES AND SCHEDULES ATTACHED**

Appendix “A” to Report PED22126 – Location Map

Appendix “B” to Report PED22126 – Amendment to Zoning By-law No.3692-92

Appendix “C” to Report PED22126 – Concept Site Plan

Appendix “D” to Report PED22126 – Draft Condominium Plan (Vacant Land)

Appendix “E” to Report PED22126 – Draft Condominium Plan Conditions

Appendix “F” to Report PED22126 – Zoning By-law Site Specific Modifications - Chart

Appendix “G” to Report PED22126 – Public Comments

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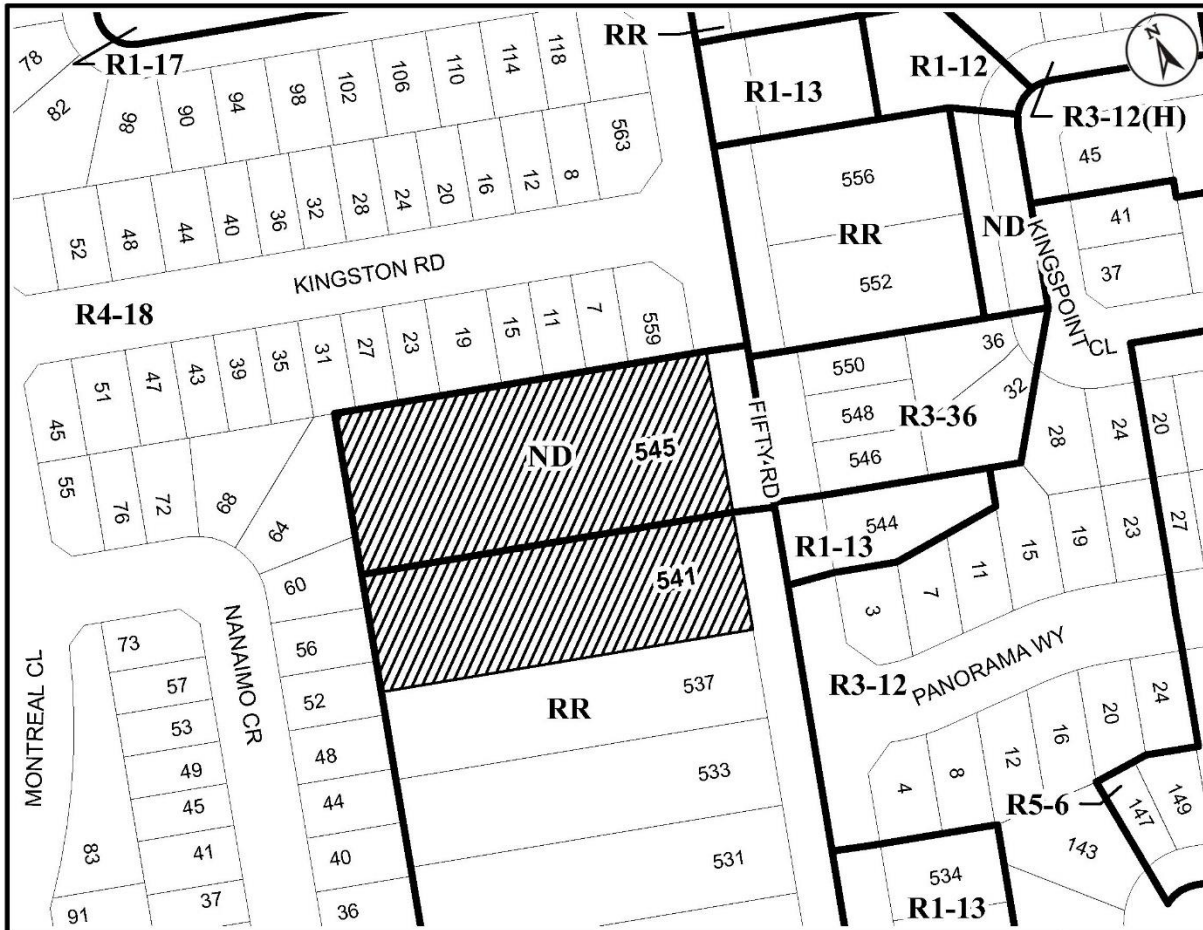
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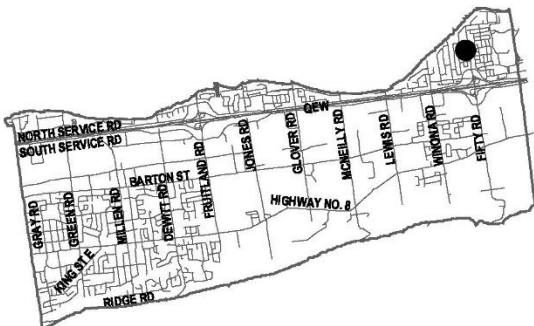
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Appendix "A" to Report PED22126  
Page 1 of 1



● Site Location



Key Map - Ward 10

## Location Map



Hamilton

PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT

File Name/Number:  
ZAC-21-045 & 25CDM-202120

Date:  
May 3, 2022


Appendix "A"

Scale:  
N.T.S

Planner/Technician:  
RD/AL

### Subject Property

541-545 Fifty Road

 Change in zoning from the Rural Residential "RR" Zone and Neighbourhood Development "ND" Zone to the Single Residential "R3-45" Zone, Modified

**Appendix “B” to Report PED22126**  
**Page 1 of 4**

**Authority:** Item \_\_\_\_\_, Planning Committee  
 Report (PED22126)  
 CM: June 14, 2022

**Bill No.**

**CITY OF HAMILTON**

**BY-LAW NO. \_\_\_\_\_**

**To Amend Zoning By-law No. 3692-92,  
 Respecting Lands Located at 541 and 545 Fifty Road (Stoney Creek)**

**WHEREAS** the City of Hamilton Act, 1999, Statutes of Ontario, 1999 Chap. 14, Sch. C. did incorporate, as of January 1, 2001, the municipality “City of Hamilton”;

**AND WHEREAS** the City of Hamilton is the successor to certain area municipalities, including the former area municipality known as “The Corporation of the City of Stoney Creek” and is the successor to the former Regional Municipality, namely, “The Regional Municipality of Hamilton-Wentworth”;

**AND WHEREAS** the City of Hamilton Act, 1999, provides that the Zoning By-laws of the former area municipalities continue in force in the City of Hamilton until subsequently amended or repealed by the Council of the City of Hamilton;

**AND WHEREAS** Zoning By-law No. 3692-92 (Stoney Creek) was enacted on the 8th day of December, 1992, and approved by the Ontario Municipal Board on the 31st day of May, 1994;

**AND WHEREAS** the Council of the City of Hamilton, in adopting Item of Report X- of the Planning Committee, at its meeting held on the day of June 14, 2022, recommended that Zoning By-law No. 3692-92 (Stoney Creek), be amended as hereinafter provided; and,

**AND WHEREAS** this by-law is in conformity with the Urban Hamilton Official Plan of the City of Hamilton in accordance with the provisions of the Planning Act;

**NOW THEREFORE** the Council of the City of Hamilton enacts as follows:

1. That Map No. 4 to Schedule ‘A’ of Zoning By-law No. 3692-92 (Stoney Creek), is hereby further amended by changing from Neighbourhood Development “ND” Zone and Rural Residential “RR” Zone to Single Residential “R3-45” Zone, Modified, the extent and boundaries of which are shown on plan hereto annexed as Schedule “A”.

**Appendix “B” to Report PED22126**  
**Page 2 of 4**

2. That Section 6.4.7 “Special Exceptions” of Zoning By-law No. 3692-92 (Stoney Creek), as amended, be amended by adding Special Exception “R3-45” as follows:

**“R3-45” 541 and 545 Fifty Road, Schedule “A” Map No. 4**

For the purpose of this By-law, a private common element condominium road shall be deemed to be a street, and parking, landscaping and amenity areas shall be permitted within the common element condominium road.

In addition to the definition of a Lot in Part 2 of Zoning By-law No. 3692-92 (Stoney Creek), as amended, that for the purposes of this Zone, a vacant land condominium unit within a draft approved or registered plan of condominium shall be considered a Lot.

Notwithstanding the provisions of paragraphs (b), (c), (d), (f) and (g) of Section 6.4.3, Single Residential “R3” Zone, the following shall apply:

(b) Minimum Interior Lot Frontage	9.0 metres
(c) Minimum Front Yard	6.0 metres to a garage 4.5 metres to a dwelling
(d) Minimum Side Yard	1.25 metres on a corner lot abutting a private road.
(f) Maximum Building Height	12.0 metres
(g) Maximum Lot Coverage	56 percent

Notwithstanding the provisions of paragraphs (c) and (d) of Section 6.1.8, Parking Restrictions in Residential Zones, the following shall apply:

- (c) Where the required minimum number of parking spaces is four or more, no parking space shall be provided closer than 1.5 metres to any lot line or closer than 2.7 metres to any dwelling unit located on a lot other than the said lot.
- (d) Parking spaces for physically challenged persons shall have a width of not less than 2.8 metres and a length of not less than 5.8 metres, and to have an additional painted aisle adjacent to the said space of not less than 1.5 metres in width.

Notwithstanding the provisions of paragraph (b) of Section 4.10.3, Dimensions of Parking Spaces, the following provision shall apply:

- (b) For parking spaces within private residential garages, two steps



**Appendix “B” to Report PED22126**  
**Page 3 of 4**

may project not more than 0.6 metres into the required length or width of a parking space.

Notwithstanding the provisions of paragraph (a) of Section 4.10.4, Requirement for Parking for Vehicles of Physically Challenged, the following provision shall apply:

- (a) Minimum rectangular dimensions of 2.8 metres in width and 5.8 metres in length, and to have an additional painted aisle adjacent to the said space of not less than 1.5 metres in width.

Notwithstanding the provisions of paragraph (d) of Section 4.19, Yard Encroachments, the following provision shall apply:

- (d) Balconies, canopies, unenclosed porches, including a cold cellar underneath same, may project into any required side yard abutting a flankage lot line 1.5 metres.

3. That the amending by-law be added to Map No. 4 of Schedule “A” of Stoney Creek Zoning By-law No. 3692-92.
4. That no building or structure shall be erected, altered, extended or enlarged, nor shall any building or structure or part thereof be used, nor shall any land be used, except in accordance with the Single Residential “R3-45” Zone provisions subject to the special requirements as referred to in Section 2 of this By-law.
5. That the Clerk is hereby authorized and directed to proceed with the giving of notice of the passing of this by-law, in accordance with the Planning Act.

**PASSED and ENACTED** this            day of            , 2022.

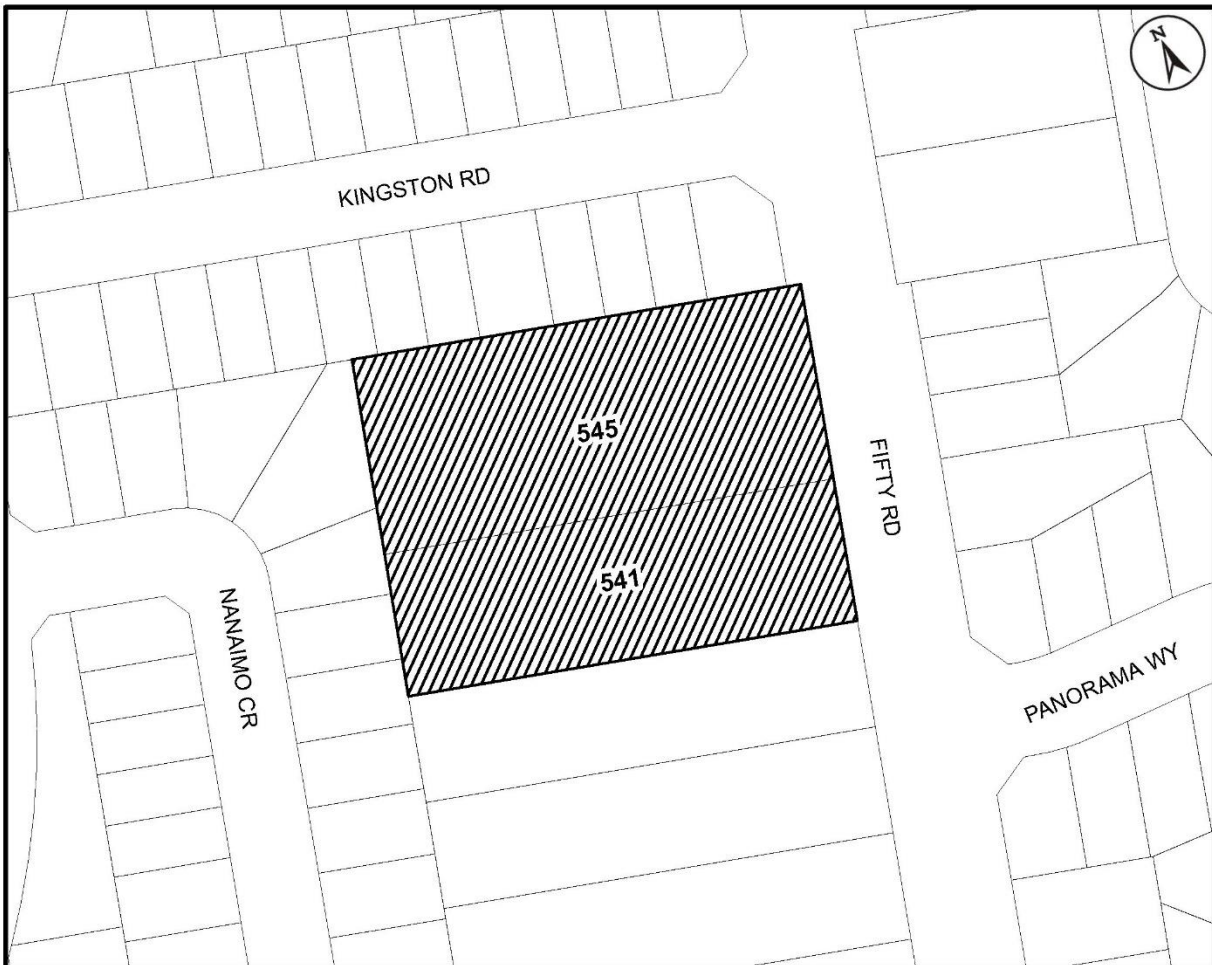
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Fred Eisenberger  
MAYOR

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A. Holland  
CLERK

Appendix "B" to Report PED22126  
Page 4 of 4

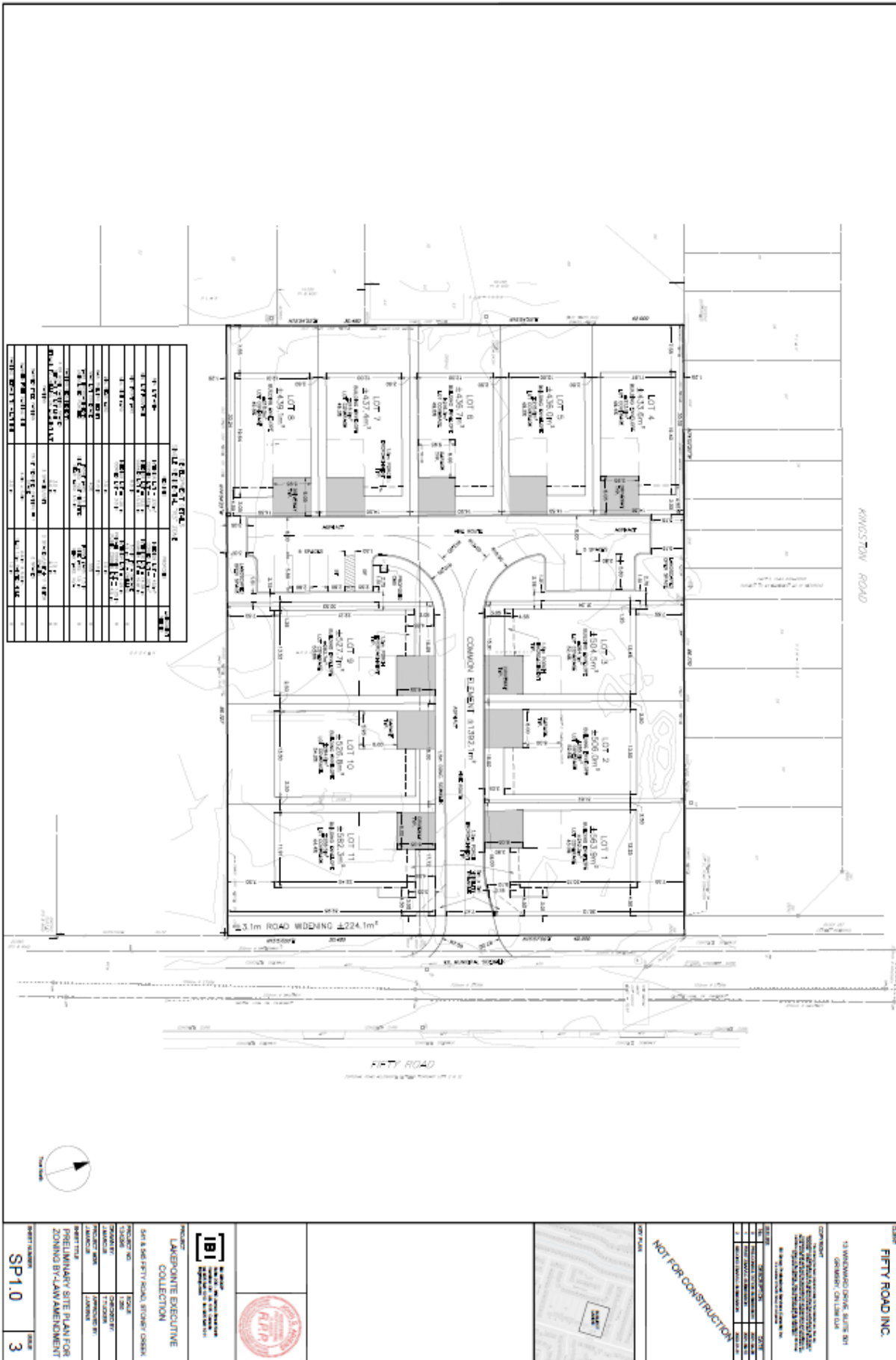


<p>This is Schedule "A" to By-law No. 22-</p> <p>Passed the ..... day of ....., 2022</p>	<p>-----</p> <p style="text-align: center;">Mayor</p> <p>-----</p> <p style="text-align: center;">Clerk</p>
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<p><b>Schedule "A"</b></p> <p><b>Map forming Part of</b></p> <p><b>By-law No. 22-_____</b></p> <p><b>to Amend By-law No. 3692-92</b></p>	<p><b>Subject Property</b></p> <p>541-545 Fifty Road</p> <p> Change in zoning from the Rural Residential "RR" Zone and Neighbourhood Development "ND" Zone to the Single Residential "R3-45" Zone, Modified</p>
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<p>Scale: N.T.S</p>	<p>File Name/Number: ZAC-21-045 &amp; 25CDM-202120</p>	<p>Hamilton</p>
<p>Date: May 3, 2022</p>	<p>Planner/Technician: RD/VS</p>	
<p>PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT</p>		

Appendix "C" to Report PED22126  
Page 1 of 1



**FIFTY ROAD INC.**  
 15 WINDWARD DRIVE, SUITE 301  
 GERRARD ONTARIO, ONTARIO

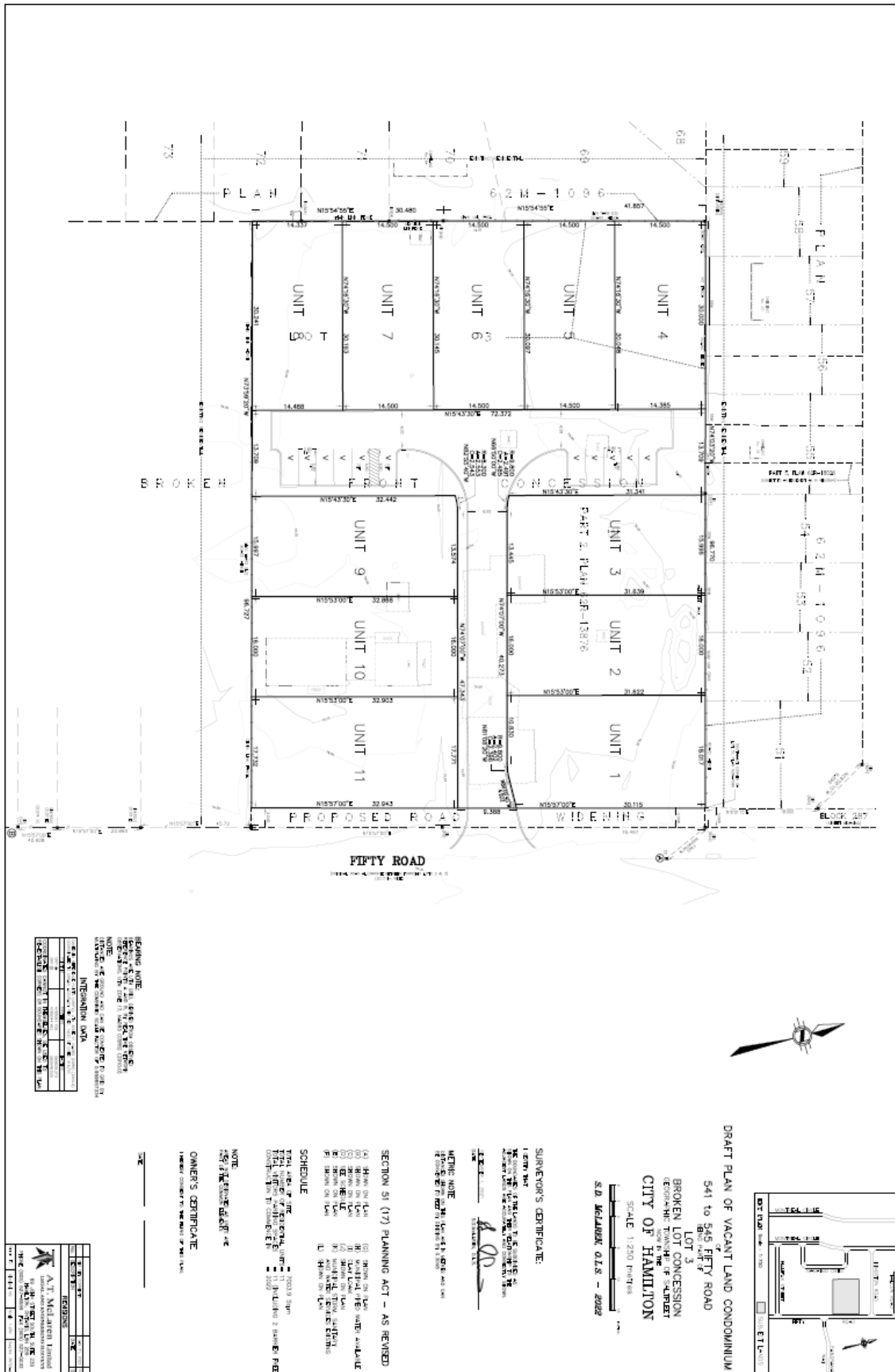
**NOT FOR CONSTRUCTION**

**APPRAISER:** [Red Stamp: APPRAISER]

**IBI GROUP INC.**  
 LAKEVILLE EXECUTIVE  
 COLLECTION

**PROJECT:** 501 & 505 FIFTY ROAD, GERRARD GREEN  
 PRELIMINARY SITE PLAN FOR ZONING BY-LAW AMENDMENT

**SP1.0 3**



**Appendix “E” to Report PED22126**  
**Page 1 of 5**

**Recommended Conditions of Draft Plan of Condominium Approval**

That this approval for the **Draft Plan of Condominium Application 25CDM-202120, by IBI Group., on behalf of Fifty Road Inc., owner**, to establish a Draft Plan of Condominium (Vacant Land) to create a eleven (11) residential lots, private road, sidewalks, landscaped areas, visitor parking areas, centralized mailboxes on lands located at 541 and 545 Fifty Road (Stoney Creek), be received and endorsed by City Council with the following special conditions:

**Development Engineering Approvals**

1. That the owner shall agree to include the following in the Condominium Declaration, to the satisfaction of the Manager of Engineering Approvals:
  - a) The following easement is created upon registration of this Declaration and Description pursuant to Section 20 of the *Condominium Act, 1998*: Reserving unto the Condominium Corporation, its assigns, successors, servants, agents and employees, the right in the nature of an easement, to enter without charge in, over and along all of the units and the Common Elements of the Condominium, from time to time, for the purposes of entering, inspecting and undertaking, at any time, modifications to the surface drainage of the said Units and the Common Elements of the Condominium in accordance with the Detailed Grading Plan and the Overall Grading Plan approved by the City of Hamilton;
  - b) The proponent shall include in the Declaration and Description pursuant to Section 93 of the *Condominium Act, 1998*, a provision to establish a Capital Reserve fund to provide for regular on-going cleaning and maintenance or possible eventual replacement of the underground stormwater management storage facility by a qualified service provider as per the manufacturers’ requirements to ensure compliance with the approved stormwater management plan by the City of Hamilton. The Owner is advised to follow the manufacturers’ maintenance recommendations for the above stated items; and,
  - c) That any/all future on-going maintenance and/or replacement costs for any structures within the condominium lands including but not limited to: private water services, booster pumps, private storm and sanitary sewers, area drains, maintenance holes, sewage pumps, roadways, walkways, etc. is the sole responsibility of the condominium corporation and as such shall be noted in the condominium declaration;

**Development Planning**

2. The following warning clauses shall be included within all offers and Agreements of Purchase and Sale and/or Lease, for all residential units:

**Appendix “E” to Report PED22126**  
**Page 2 of 5**

Warning Clause A:

“Purchasers are advised that the City of Hamilton will not be providing maintenance or snow removal service for the private condominium road. In addition, City Waste Management services may not be available to residents and that the provision of such services may require agreements with private contractors.”

Warning Clause B:

“Garages and visitor parking areas are provided for the purpose of parking a vehicle. It is the responsibility of the owner / tenant to ensure that their parking needs (including those of visitors) can be accommodated onsite. On-street, overflow parking may not be available and cannot be guaranteed in perpetuity.”

Warning Clause C:

“The home mail delivery will be from a Community Mail Box.”

3. That the Owner acknowledges in writing that Site Plan Control By-law No. 15-176 applies to the subject lands and submits a complete Application for and receives final approval of a Site Plan Control Application, to the satisfaction of the Director of Planning and Chief Planner;
4. That the Final Plan of Condominium (Vacant Land) shall comply, in all respects: with all of the applicable provisions of Zoning By-law No. 3692-92, as amended or in the event the City of Hamilton has repealed and replaced By-law No. 3692-92 with By-law No. 05-200, the final Plan of Condominium shall comply with all the applicable provisions of the Zoning By-law in force and effect at the time of registration of the Draft Plan of Condominium (Vacant Land); and, with the final approved Site Plan Control application; to the satisfaction of the Director of Planning and Chief Planner;

**Forestry and Horticulture**

5. That the Owner shall submit a Landscape Plan and the payment of all applicable fees, all to the satisfaction of the Forestry and Horticulture Section, Public Works Department;

**Canada Post**

6. The owner shall complete to the satisfaction of the Director of Growth Management and Canada Post:
  - a) Include in all offers of purchase and sale and lease or rental agreements, a statement that advises the prospective purchaser:
    - i) That the home/business mail delivery will be from a designated Centralized Mail Box; and,

**Appendix “E” to Report PED22126****Page 3 of 5**

- ii) That the developers/owners be responsible for officially notifying the purchasers of the exact Centralized Mail Box locations prior to the closing of any home sales;
- b) The owner further agrees to:
- i) Work with Canada Post to determine and provide temporary suitable Centralized Mail Box locations which may be utilized by Canada Post until the curbs, boulevards and sidewalks are in place in the remainder of the subdivision;
  - ii) Install a concrete pad in accordance with the requirements of and in locations to be approved by Canada Post to facilitate the placement of Community Mail Boxes;
  - iii) Identify the pads above on the engineering servicing drawings. Said pads are to be poured at the time of the sidewalk and/or curb installation within each phase of the plan of subdivision;
  - iv) Determine the location of all centralized mail receiving facilities in co-operation with Canada Post and to indicate the location of the centralized mail facilities on appropriate maps, information boards and plans; and,
  - v) Maps are also to be prominently displayed in the sales office(s) showing specific Centralized Mail Facility locations;
- c) Canada Post’s multi-unit policy, which requires that the owner/developer provide the centralized mail facility (Lock Box Assembly) at their own expense (less than 100 units will require a front loading Lock Box Assembly and more than 100 units will require a rear loading Lock Box Assembly which will require a mail room) will be in effect for buildings and complexes with a common lobby, common indoor or sheltered space;

**Rogers**

- 7. The Developer/Owner will, at its own cost, grant all necessary easements and maintenance agreements required by those CRTC-licensed telephone companies and broadcasting distribution companies intending to serve the Site Plan (collectively, the “Communications Service Providers”). Immediately following registration of the Site Plan, the Developer/Owner will cause these documents to be registered on title; and,
- 8. The Developer/Owner will, with consultation with the applicable utilities and Communications Service Providers, prepare an overall utility distribution plan that shows the locations of all utility infrastructure for the Site Plan, as well as the timing and phasing of installation;

**Appendix “E” to Report PED22126****Page 4 of 5****Bell Canada**

9. The Owner acknowledges and agrees to convey any easement(s) as deemed necessary by Bell Canada to service this new development. The Owner further agrees and acknowledges to convey such easements at no cost to Bell Canada;
10. The Owner agrees that should any conflict arise with existing Bell Canada facilities where a current and valid easement exists within the subject area, the Owner shall be responsible for the relocation of any such facilities or easements at their own cost;

**Union Gas**

11. That the Owner / Developer provide to Union Gas the necessary easements and / or agreements required by Union Gas for the provision of gas services, in a form satisfactory to Union Gas;

**Corporate Services**

12. That the Owner Pay the Municipal Act Sanitary Sewer (2) and Connection Charge (2) under By-law No. 02-307 for 541 (003 010 37200) and 545 (003 010 37400) Fifty Road, to the satisfaction of the Capital Budgets and Financing Section, Corporate Services Department. The recoverable amount is subject to cost indexing to the date that payment is made to the City; and,

**Utilities**

13. For Residential/Commercial electrical service requirements, the Developer needs to contact our ICI and Layouts Department at 1-877-963-6900 ext: 25713 or visit our web site @ [www.alectrautilities.com](http://www.alectrautilities.com). Relocation, modification, or removal of any existing hydro facilities shall be at the owner's expense. Please contact Alectra Utilities to facilitate this. Developers shall be responsible for the cost of civil work associated with duct structures, transformer foundations, and all related distribution equipment. Developers to acquire an easement, if required.

**NOTES TO DRAFT PLAN APPROVAL**

1. Pursuant to Section 51(32) of the Planning Act, draft approval shall lapse if the plan is not given final approval within three years. However, extensions will be considered if a written request is received 2 months before the draft approval lapses;
2. The developer is responsible for all waste removal up until the time that an “Agreement for On-site Collection of Solid Waste” is finalized, and municipal collection services are initiated;
3. The developer must provide a signed letter from a professional engineer certifying that the road base along the access route can support at least 35,000 kilograms; and,



**Appendix "E" to Report PED22126**  
**Page 5 of 5**

4. If the development is not designed according to specifications identified herein, the developer must:
  - i. Arrange a private waste hauler for the removal of all waste materials; and,
  - ii. As part of the Purchase and Sale Agreement the developer, owner, property manager or agent for the development must disclose in writing to a prospective buyer of a unit within the development that the property is not serviceable for municipal waste collection.

**Appendix “F” to Report PED22126**  
**Page 1 of 6**

**Site Specific Modifications to Residential R3-45**  
**Zoning By-law No. 3692-92**

<b>Regulation</b>	<b>Required</b>	<b>Modifications</b>	<b>Analysis</b>
Site Specific Regulation regarding Vacant Land Condominium	No Existing Provision.	For the purpose of this By-law, a private common element condominium road shall be deemed to be a street, and parking, landscaping and amenity areas shall be permitted within the common element condominium road.	<p>The parent Stoney Creek Zoning By-law pre-dates the introduction of vacant land condominium and this modification is required to clarify the location of common amenities, visitor parking and that setbacks are measured from future property lines for each unit instead of the current overall property lines for the residential condominium.</p> <p>Therefore, staff support the modification.</p>
Site Specific Regulation regarding Vacant Lot Condominium	Definition of a Lot	For the purpose of this By-law the definition of a Lot in Part 2 of Zoning By-law No. 3692-92, that for the purposes of this Zone, a vacant land condominium unit within a draft approved or registered plan of condominium shall be considered a Lot.	<p>The parent Stoney Creek Zoning By-law pre-dates the introduction of vacant land condominium and this modification is required to deem a vacant lot condominium unit as a lot within a draft approved or registered plan of condominium.</p> <p>Therefore, staff support the modification</p>

**Appendix “F” to Report PED22126**  
**Page 2 of 6**

<b>Regulation</b>	<b>Required</b>	<b>Modifications</b>	<b>Analysis</b>
Minimum Interior Lot Frontage (Section 6.4.3 (b))	Interior lot – 12.0 metres.	9.0 metres.	<p>Lots #4 and # 8 are located at the end of the private road way that do not front the full extent of the roadway as per the by-law. The reduction in frontage does not affect the function of the driveway or access to the roadway. The reduction in frontage for these two lots results in an increase to the landscape area by not having the private road way extend the full length of lots #4 and #8.</p> <p>Therefore, staff support the modification.</p>
Minimum Front Yard Section 6.4.3(c)	Minimum 6.0m to a garage and, Minimum 3.0 m to a dwelling unit.	6.0 metres to a Garage.  4.5 metres to a Dwelling.	<p>The reduced minimum Front Yard setback to the dwelling brings the habitable portion of the dwelling closer to the street to create a more pedestrian oriented streetscape while ensuring the driveway is long enough to accommodate a vehicle.</p> <p>Therefore, staff support the modification.</p>
Minimum Side Yard Section 6.4.3(d)	Interior Lot = 1.25 m. Corner Lot = 3.0 m.	1.25 metres on a corner lot abutting a private road.	<p>The corner lot setback regulation is intended to buffer a proposed lot from a municipal road where it is more likely there will be higher volumes of traffic that would require additional buffer space. In this case the lots abutting Fifty Road meet that minimum requirement.</p> <p>The internal “corner lot” configuration does not contain this same interface with vehicles or the public realm, and further the lots are buffered from the travelled portion of the private road by visitor parking spaces.</p> <p>The internal configuration of the corner lots more closely reflects the side yard condition of the other lots but can be adequately buffered from the adjacent parking with the use of a privacy fence or enhanced plantings.</p> <p>Therefore, staff support the modification.</p>

**Appendix “F” to Report PED22126**  
**Page 3 of 6**

Regulation	Required	Modifications	Analysis
Maximum Building Height (g)	11.0 metres.	12.0 metres.	<p>The final building designs are not yet known and the preliminary drawings that have been prepared show a height of 11m without taking into consideration the additional distance required when measured from grade. Given this unknown the developer has requested additional height to provide flexibility in the final building design. There are adjacent developments to the north, east and west which permit a maximum height of at least 12.5m.</p> <p>Therefore, staff support the modification.</p>
Maximum Lot Coverage [Section 6.4.3(g)]	40%	56%	<p>The proposed maximum lot coverage is reflective of the proposed maximum building envelope, and the final building design is not known yet. Given this unknown the developer has requested additional lot coverage to provide flexibility in the final building design. The proposed lots comply with the required minimum rear and side yard setbacks.</p> <p>Staff are of the opinion that the proposed modification is minor in nature as there are opportunities for outdoor amenity area in the rear yard and front yard.</p> <p>Therefore, staff support the modification.</p>

## Appendix "F" to Report PED22126

## Page 4 of 6

Parking Regulations			
Section 6.1.8(c)  When the minimum number of parking spaces is four or more no parking space shall be provided closer than 3 metres to any lot line or closer than 5 metres to any dwelling.	3.0m 5.0m	1.5 metres to any lot 2.7 metres to any dwelling.	<p>The proposed condition consists of two small parking areas containing five and six parking spaces, abutting the interior side yard of two lots. The parking areas are intended for visitor parking so the potential for conflict will be low.</p> <p>Staff are of the opinion that the proposed modification is minor in nature and will still permit sufficient space for landscaping and buffering.</p> <p>Therefore, staff support the modification.</p>
Accessible parking spaces dimension. Section 6.1.8(d)		Width of 2.8 metres length of 5.8 metres and to have an additional painted aisle adjacent to the space of not less than 1.5 metres in width.	<p>The proposed parking stall sizes are minimum acceptable Barrier Free Parking Stall sizes established as per AODA standards.</p> <p>Therefore, staff support the modification.</p>

**Appendix “F” to Report PED22126**  
**Page 5 of 6**

Regulation	Required	Modifications	Analysis
<p>Dimension of Parking Spaces</p> <p>Section 4.10.3(b)</p>	<p>A single step, hose bibs, electrical devices and/or ductwork and closet enclosures may project not more than .3 metres into the required length or width of a parking space.</p>	<p>Parking spaces within private residential garages, two steps may project not more than 0.6 metres into the required length or width of a parking space.</p>	<p>The zoning regulation has been written to support a minimum garage size of 3 metres in width by 6 metres in depth and does not provide language to address a scenario where garages are larger than the indicated size.</p> <p>The two-stair encroachment is minor in nature since the projection of 0.6 metres will not affect the parking of vehicles in the garage. The two steps projecting into the garage will not be the full length of the interior of the garage. There will be a standard step width and the proposed dwellings will have sufficient space for two vehicles since a two car garage is being proposed for each dwelling.</p> <p>Therefore, staff support the modification.</p>
<p>Requirement for parking designated for Vehicles of Physically Challenged</p> <p>Section 4.10.4(a)</p>	<p>At least 1% of the required parking spaces, with a minimum of one parking space, on any lot having more than 10 parking spaces, shall:  (a) have minimum rectangular dimensions of 4.4 metres by 5.8 metres.</p>	<p>2.8 metres x 5.8 metres plus 1.5 metres painted aisle.</p>	<p>The proposed parking stall sizes are minimum acceptable Barrier Free Parking Stall sizes established as per AODA standards.</p> <p>Therefore, staff support the modification.</p>

**Appendix “F” to Report PED22126**  
**Page 6 of 6**

<b>Regulation</b>	<b>Required</b>	<b>Modifications</b>	<b>Analysis</b>
<p>Yard Encroachments Section 4.19 (d)</p>	<p>Balconies, canopies, unenclosed porches and decks, including a cold cellar underneath same, may project into any required front yard 1.5 metres. Balconies, canopies, unenclosed porches and decks may project into any required rear yard not more than 4 metres. Balconies and decks may project into a privacy area of a townhouse development not more than 4.5 metres. Notwithstanding the foregoing, any deck or patio which is less than .3 metres in height may be located in any required yard.</p>	<p>Balconies, canopies, unenclosed porches, including a cold cellar underneath same, may project into any required side yard abutting a flankage lot line 1.5 metres.</p>	<p>The current regulation does not permit any porch encroachments in a side yard; the proposed regulation would allow lots No.1 and No.11 flanking Fifty Road to have a wraparound porch that will help to provide articulation and allow for the animation of the public realm.</p> <p>Therefore, staff support the modification.</p>

Appendix "G" to Report PED22126  
Page 1 of 3**Dal Bello, Rino**

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**From:** [REDACTED]  
**Sent:** Thursday, November 25, 2021 5:12 PM  
**To:** Dal Bello, Rino; clerk@hamilton.ca  
**Subject:** 541- 545 Fifty Road Stoney Creek (Ward 11)

November 25, 2021

City of Hamilton  
Planning and Economic Development Department  
71 Main Street West, 5<sup>th</sup> Floor  
Hamilton, ON L8P 4Y5

Re: 541-545 Fifty Road, Stoney Creek ZAC-21-045,25CDM-202120

To the Clerk Dept and to whom else it may concern:

We are writing to communicate our concern regarding the proposed development of 541 and 545 Fifty Road. We are residents local to the area of this proposed development and would be directly impacted as our property would border this development. As others who are impacted by this development one of the primary reasons we chose our property that backs onto the Fifty Road land is because of the developed trees and privacy.

Our main concern is to save at least the perimeter trees that line all existing properties. Specifically, we have 8 trees that are very close to our property line, we would like to save those trees as they provide pleasing landscape and maintain the beauty of our area.

We have sent this letter to communicate and emphasize our desire to the preservation of the trees and keep the beautiful landscape of this area.

Sincerely,

[REDACTED]

To: [clerk@hamilton.ca](mailto:clerk@hamilton.ca)  
Subject: 541-545 Fifty Road, Stoney Creek

Dear Sir/Madam,

I'm writing this email to express my concerns with the proposed development at the above address. I understand there will be 11 homes replacing the only 2 already there. I also understand there will be approximately 20 mature trees being removed to do so. The number of mature trees in our neighbourhood is already minimal and taking away so many is very concerning. Further, there are many birds, owls, rabbits, possums, and raccoons that live on those properties and will be losing their homes. What steps will be taken to safely move these animals to a new location? I also have concerns about safety during construction. On a Zoom informational call, the developers stated they would not be putting up fences before/during/after the build. Our lot backs on to these properties and we do not have a fence on that property line. I have two young children who enjoy playing in our yard. I do not like the idea of dangerous equipment, machines, and materials being left open to our property like this. It is not safe. Further, we have an easement on our property in order to allow the City to have access to a drain. I'm concerned that the workers who do the development will feel they can walk from Kingston Road through our property to the development area. Where are these workers supposed to park? Street parking is already so limited in our neighbourhood this will cause a huge issue for residents who must park on the street. I do not understand why there is a need to replace 2 homes with 11. It does not fit in with this community and is not needed. Traffic and volume of people are already an issue. I understand these are older homes and need to be replaced. But why not replace 2 homes with 2? 11 is excessive.

Thank you for listening to my concerns.

[REDACTED]



**Appendix "G" to Report PED22126**  
**Page 2 of 3****Dal Bello, Rino**

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**From:** [REDACTED]  
**Sent:** Wednesday, November 24, 2021 8:06 PM  
**To:** Dal Bello, Rino; clerk@hamilton.ca  
**Cc:** [REDACTED]  
**Subject:** Comments for ZAC-21-045, 25CDM-202120 (541-545 Fifty Rd., Stoney Creek (Ward 11))

Zoning By-law Amendment (File No. ZAC-21-045)  
Draft Plan of Vacant Land Condominium (File No. 25CDM-202120)

Good evening,

I hope this email finds you well. As residents of [REDACTED] Stoney Creek, my wife and I are writing to share our concerns over the proposed development of 11 single detached lots to be developed at 541-545 Fifty Rd., Stoney Creek (Ward 11).

These concerns include:

1. Not enough parking to accommodate the resident's and guest's parked vehicles in the proposed development. Living on Kingston Rd. already presents congested, and at times, dangerous parking and driving situations. These are further compounded in the Winter months when allowed parking is reduced to one side of the street. There is a risk that by not having enough parking spaces in the proposed development will force cars to park on already congested adjacent streets, such as Kingston Rd.
2. Shadowing and obscuring of sun to existing properties that surround the proposed development.
3. Lighting and the spill effect it will create into existing properties.
4. Visual sight lines created into existing housing.
5. Close proximity of the proposed housing to the property lines.
6. Impact that construction may have to existing housing foundations and retaining wall structures that are currently in place.
7. Removal of mature trees. Despite efforts to replant the same number of trees, this will not be sufficient to replace the current level of green space that is present and enjoyed by the local residents.
8. Traffic congested created on the main feeder road, Fifty Rd., from cars waiting to turn into the proposed development.
9. Snow placement limitations during the Winter months, given limited land space in the proposed development.
10. Will there be an environmental site assessment on the proposed development lands?

Thank you for your time in reviewing our concerns. Please let us know if you have any questions, or would like to be discussed any of these concerns more fully.

Regards,  
[REDACTED]

**Appendix "G" to Report PED22126**  
**Page 3 of 3**

November 23, 2021

City of Hamilton  
Planning and Economic Development Department  
71 Main Street West, 5<sup>th</sup> Floor  
Hamilton, ON L8P 4Y5

Re: 541-545 Fifty Road, Stoney Creek ZAC-21-045,25CDM-202120

To the Clerk Dept and to whom else it may concern,

We are writing on behalf of the proposed development of 541 and 545 Fifty Road. We are residents of the area and would be directly impacted by this development. One of the reasons we chose our property that backs onto the Fifty Road land is because of its beautiful mature trees and privacy. We have some major concerns regarding the mature trees that not only line all existing properties but also the larger ones that fill both properties. Our main concern is to save at least the perimeter trees that line all existing properties. Specifically, we have two large mulberry trees that are very close to the property line, we would like to save those trees as they provide beautiful landscape and maintains the beauty of our area. Also, we have concerns regarding lighting, including additional street lights and or any lighting to the houses for example, bright pot lights along the back side of the homes. Our goal is to bring attention to the preservation of the mature trees and keep the beautiful landscape of this area.

Sincerely,

A thick black horizontal bar redacting the signature of the sender.



WELCOME TO THE CITY OF HAMILTON

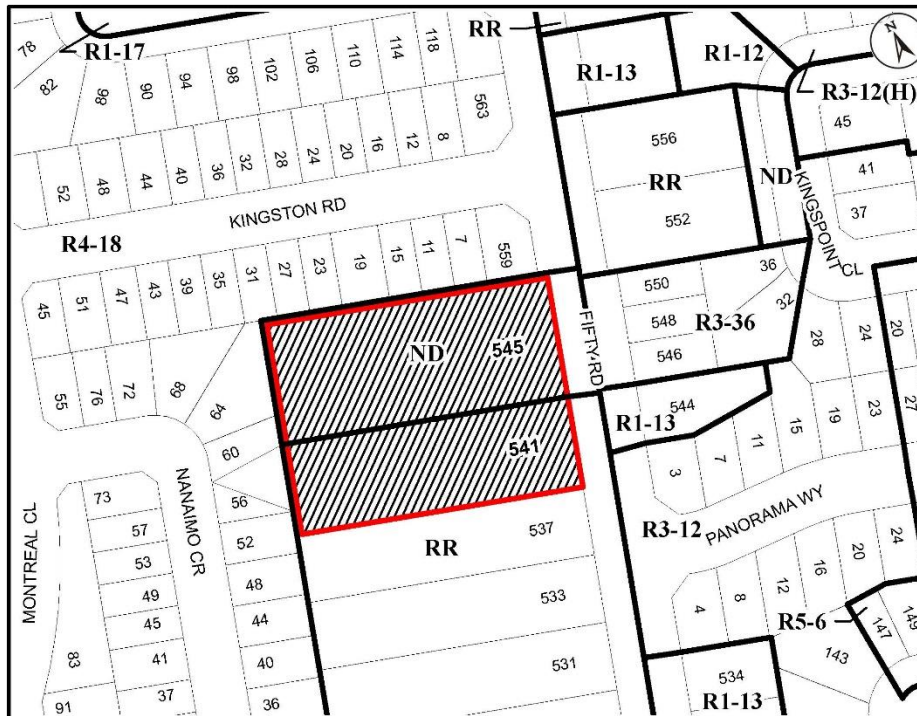
# PLANNING COMMITTEE

June 14, 2022

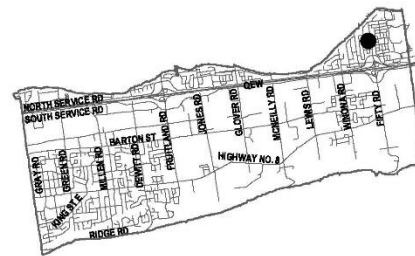
## **PED22126 – (ZAC-21-045 & 25CDM-202120)**

Applications for a Zoning By-law Amendment and Draft Plan of Condominium (Vacant Land) for lands located at 541 and 545 Fifty Road, Stoney Creek.

Presented by: Rino Dal Bello



● Site Location



Key Map - Ward 10

## Location Map



PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT

File Name/Number:  
ZAC-21-045 & 25CDM-202120

Date:  
May 3, 2022


Appendix "A"

Scale:  
N.T.S.

Planner/Technician:  
RD/AL

### Subject Property

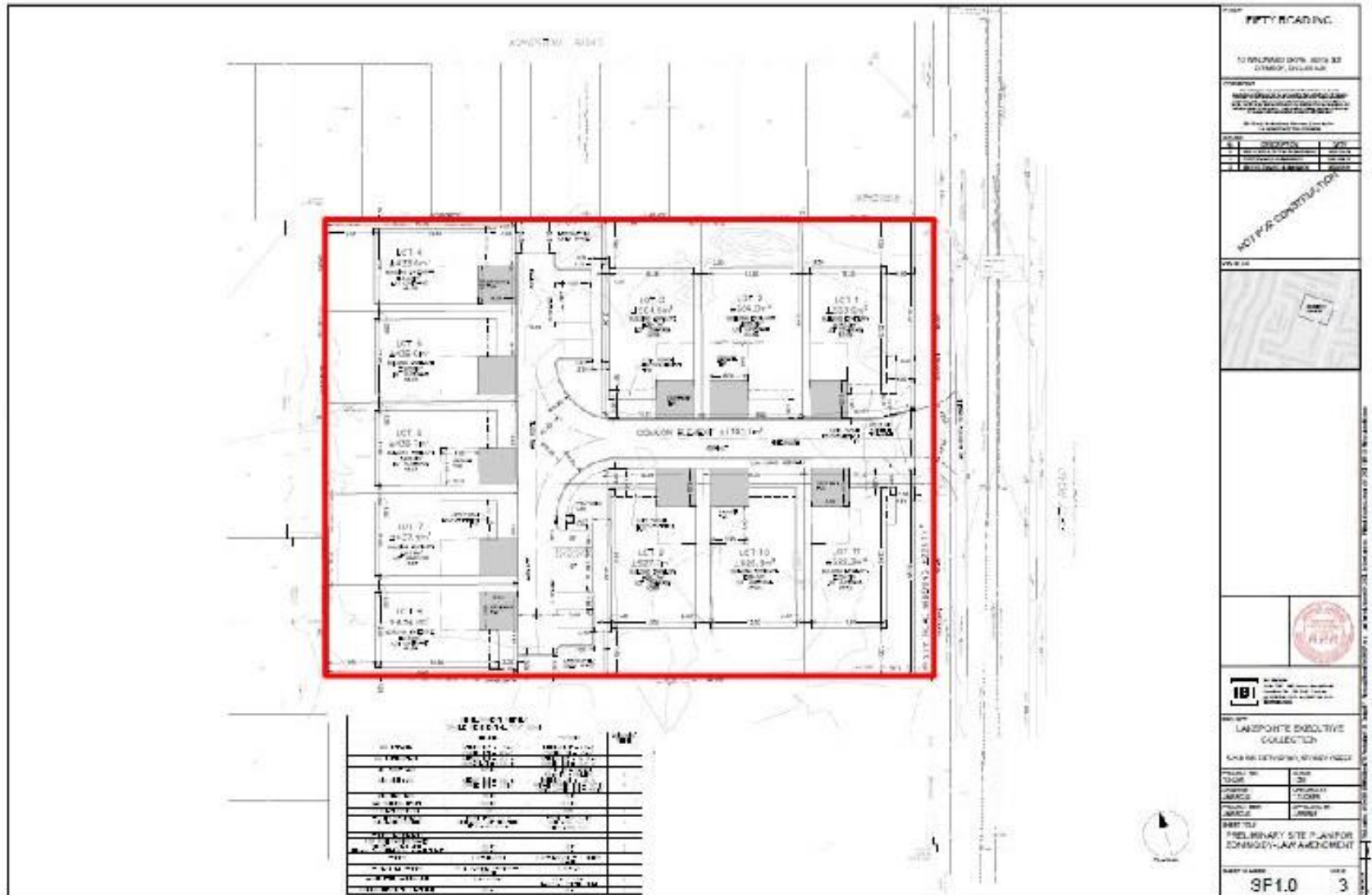
541 - 545 Fifty Road

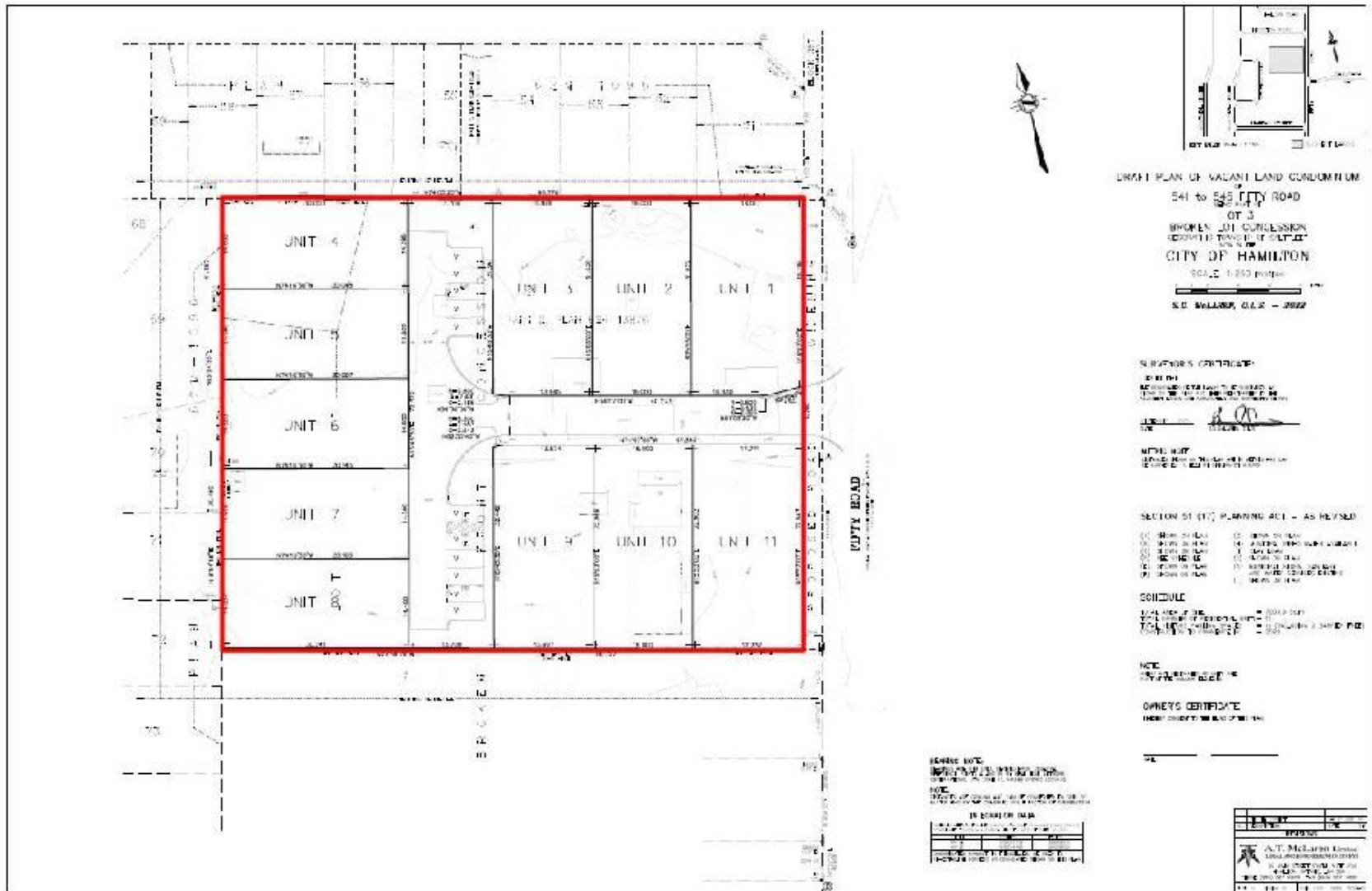
 Change in zoning from the Rural Residential "RR" Zone and Neighbourhood Development "ND" Zone to the Single Residential "R3-45" Zone, Modified



**SUBJECT PROPERTY**  541 – 545 Fifty Road, Stoney Creek











View along Fifty Road



View of 541 Fifty Rd from Fifty Road



View of 541 Fifty Rd



View of 545 Fifty Rd from Fifty Road



View of 545 Fifty Rd



View of eastern side of Subject Site



View of subject site



THANK YOU FOR ATTENDING

THE CITY OF HAMILTON PLANNING COMMITTEE





**CITY OF HAMILTON**  
**PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT**  
**Planning Division**

<b>TO:</b>	Chair and Members Planning Committee
<b>COMMITTEE DATE:</b>	June 14, 2022
<b>SUBJECT/REPORT NO:</b>	Application to Amend Zoning By-law No. 6593 for Lands Located at 16 Steven Street and part of 436 King William Street, Hamilton (PED22125) (Ward 3)
<b>WARD(S) AFFECTED:</b>	Ward 3
<b>PREPARED BY:</b>	Jennifer Allen (905) 546-2424 Ext. 4672
<b>SUBMITTED BY:</b>	Steve Robichaud Director, Planning and Chief Planner Planning and Economic Development Department
<b>SIGNATURE:</b>	

### RECOMMENDATION

That **Zoning By-law Amendment Application ZAC-22-019, by T. Johns Consulting Group (c/o Diana Morris) on behalf of the Pearl Not-For-Profit Housing Corporation (c/o Brandon Gibson-DeGroot, Owner)**, for a change in zoning from the “D” (Urban Protected Residential – One and Two Family Dwellings, Etc.) District to the “DE-3/S-1820” (Multiple Dwellings) District, Modified, to permit the conversion of the existing three storey building into a 15 unit multiple dwelling with two parking spaces on lands located at 16 Steven Street and part of 436 King William Street (Hamilton), as shown on Appendix “A” attached to Report PED22125, be **APPROVED** on the following basis:

- (a) That the draft By-law, attached as Appendix “B” to Report PED22125, which has been prepared in a form satisfactory to the City Solicitor, be enacted by City Council;
- (b) That the proposed change in zoning is consistent with the Provincial Policy Statement (2020), conforms to A Place to Grow: Growth Plan for the Greater Golden Horseshoe (2019), and will comply with the Urban Hamilton Official Plan;

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OUR Mission: To provide high quality cost conscious public services that contribute to a healthy, safe and prosperous community, in a sustainable manner.

OUR Culture: Collective Ownership, Steadfast Integrity, Courageous Change, Sensational Service, Engaged Empowered Employees.

**SUBJECT: Application to Amend Zoning By-law No. 6593 for Lands Located at 16 Steven Street and part of 436 King William Street, Hamilton (PED22125) (Ward 3) - Page 2 of 23**

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- (c) That upon finalization of the amending By-law, the subject lands be redesignated from “Single and Double” to “High Density Apartments” in the Landsdale Neighbourhood Plan.

### **EXECUTIVE SUMMARY**

The subject lands are municipally known as 16 Steven Street and part of 436 King William Street. T. Johns Consulting Group Ltd., (c/o Diana Morris) on behalf of The Pearl Not-For-Profit Housing Corporation c/o Brandon Gibson-DeGroote, Owners, has applied for an amendment to Zoning By-law No. 6593 to permit the conversion of the existing three storey building into a 15 unit multiple dwelling. A total of two surface parking spaces are proposed. The last legally recognized use of the existing building is a cardboard box manufacturer and custom jewelry maker.

The purpose of the Zoning By-law Amendment is to rezone the subject lands from the “D” (Urban Protected Residential – One and Two Family Dwellings, Etc.) District to the “DE-3/S-1820” (Multiple Dwellings) District, Modified.

The following modifications to the “DE-3” District are required to recognize the existing building:

- Reduced minimum front, side and rear yard setbacks to recognize the existing situation;
- Increased floor area ratio;
- Reduced lot area;
- Reduced minimum landscaped area requirement;
- Elimination of maximum projections of eave of gutters, terrace or porch, and air conditioner into a required yard;
- Reduced parking and visitor parking rate;
- Elimination of the loading space requirement;
- Elimination of the requirement for on-site manoeuvring space adjacent to each parking space; and,
- Reduced separation distance from an access driveway to a residential district.

The Application has merit and can be supported as it is consistent with the Provincial Policy Statement (2020) (PPS), conforms to A Place to Grow: Growth Plan for the Greater Golden Horseshoe 2019, as amended, and complies with the Urban Hamilton Official Plan (UHOP). The proposal is compatible with and complementary to the existing and planned development in the immediate area, represents good planning by making efficient use of existing infrastructure within the urban boundary, providing an alternative housing form for the surrounding area and supports developing a complete

**SUBJECT: Application to Amend Zoning By-law No. 6593 for Lands Located at 16 Steven Street and part of 436 King William Street, Hamilton (PED22125) (Ward 3) - Page 3 of 23**

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community. The proposal also represents appropriate adaptive reuse of existing building stock.

**Alternatives for Consideration – See Page 21**

**FINANCIAL – STAFFING – LEGAL IMPLICATIONS**

Financial: N/A

Staffing: N/A

Legal: As required by the *Planning Act*, Council shall hold at least one public meeting to consider a Zoning By-law Amendment Application.

**Report Fact Sheet**

<b>Application Details</b>	
Owner:	The Pearl Not-For-Profit Housing Corporation c/o Brandon Gibson-DeGroot
Applicant/Agent:	T. Johns Consulting Group (c/o Diana Morris)
File Number:	ZAC-22-019
Type of Application:	Zoning By-law Amendment
Proposal:	To convert the existing three storey building into a 15 unit multiple dwelling with two surface parking spaces. The parking spaces will be accessed from the adjacent alleyway. Exterior changes to the existing building are limited to a realigning the front door to be central on the front façade and the removal of the existing exterior staircase (fire escape).  (See the Preliminary Site Plan attached as Appendix “D” to Report PED22125).
<b>Property Details</b>	
Municipal Address:	16 Steven Street and part of 436 King William Street (see Location Map attached as Appendix “A” to Report PED22125).
Lot Area:	473.1 square metres
Servicing:	Full municipal services.

**SUBJECT: Application to Amend Zoning By-law No. 6593 for Lands Located at 16 Steven Street and part of 436 King William Street, Hamilton (PED22125) (Ward 3) - Page 4 of 23**

<b>Property Details</b>	
Existing Use:	The last legally recognized use is an industrial building used for cardboard box manufacturer and a custom jewelry maker.
<b>Documents</b>	
Provincial Policy Statement (PPS):	The proposal is consistent with the PPS (2020).
A Place to Grow:	The proposal conforms to A Place to Grow: Growth Plan for the Greater Golden Horseshoe 2019, as amended.
Official Plan Existing:	Urban Hamilton Official Plan  "Neighbourhoods" on Schedule E – Urban Structure; and, Schedule E-1 – Urban Land Use Designations.
Zoning Existing:	"D" (Urban Protected Residential – One and Two Family Dwellings, Etc.) District.
Zoning Proposed:	"DE-3/S-1820" (Multiple Dwellings) District, Modified.
Modifications Proposed:	<ul style="list-style-type: none"> <li>• To permit a multiple dwelling within the existing building;</li> <li>• To recognize the existing lot width of 473.1 metres, whereas 630.0 square metres is required;</li> <li>• To reduce minimum amount of landscaped area on site from 25% of the lot area to 10%;</li> <li>• To reduce required parking ratio from 1.25 (19 spaces) to 0.133 (two spaces) per Class A dwelling unit;</li> <li>• To eliminate required visitor parking space whereas five spaces would be required;</li> <li>• To remove requirement for a loading space;</li> <li>• To remove requirement for manoeuvring space aisle width adjacent to each parking space and provide off-site manoeuvring onto adjacent alleyway; and,</li> <li>• To allow access driveway to be located 0.0 metres from the common boundary between the "D" (Urban Protected Residential – One and Two Family Dwellings, etc) District in which the multiple dwelling is located and the district which does not permit such uses, whereas 3.0 metres is required.</li> </ul>

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**SUBJECT: Application to Amend Zoning By-law No. 6593 for Lands Located at 16 Steven Street and part of 436 King William Street, Hamilton (PED22125) (Ward 3) - Page 5 of 23**

<b>Processing Details</b>	
Received:	January 28, 2022
Deemed Complete:	February 15, 2022
Notice of Complete Application:	Sent to 149 property owners within 120 metres of the subject lands on February 15, 2022.
Public Notice Sign:	Posted March 1, 2022 and updated with public meeting date on May 18, 2022.
Notice of Public Meeting:	Sent to 149 property owners within 120 metres of the subject property on May 27, 2022.
Public Comments:	Two letters expressing concern (see Appendix “E” attached to Report PED22125).  The submissions received by the City identified concerns about parking.
Processing Time:	137 days.

### Existing Land Use and Zoning

	<b>Existing Land Use</b>	<b>Existing Zoning</b>
<b>Subject Lands:</b>	Three storey industrial building	“D” (Urban Protected Residential – One and Two Family Dwellings, Etc.) District.

### Surrounding Land Uses:

North	Commercial uses	“D” (Urban Protected Residential – One and Two Family Dwellings, Etc.) District.
South	Commercial and residential uses	Transit Oriented Corridor Mixed Use Medium Density (TOC1) Zone.
East	Single detached dwellings	“D” (Urban Protected Residential – One and Two Family Dwellings, Etc.) District.
West	Single detached dwellings	“H” (Community Shopping and Commercial, Etc.) District.

**SUBJECT: Application to Amend Zoning By-law No. 6593 for Lands Located at 16 Steven Street and part of 436 King William Street, Hamilton (PED22125) (Ward 3) - Page 6 of 23**

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## **POLICY IMPLICATIONS AND LEGISLATED REQUIREMENTS**

### **Provincial Policy Statement (2020)**

The Provincial Planning Policy Framework is established through the *Planning Act* (Section 3) and the Provincial Policy Statement (PPS 2020), and A Place to Grow: Growth Plan for the Greater Golden Horseshoe, 2019, as amended. The *Planning Act* requires that all municipal land use decisions affecting planning matters shall be consistent with the PPS (2020). The *Places to Grow Act* requires that all municipal land use decisions made under the *Planning Act* conform to the Growth Plan.

The mechanism for the implementation of the Provincial plans and policies is through the Official Plan. Through the preparation, adoption and subsequent Ontario Land Tribunal approval of the City of Hamilton Official Plans, the City of Hamilton has established the local policy framework for the implementation of the Provincial planning policy framework. As such, matters of provincial interest are reviewed and discussed in the UHOP analysis below.

### Noise

“1.2.6.1 Major facilities and sensitive land uses shall be planned and developed to avoid, or if avoidance is not possible, minimize and mitigate any potential adverse effects from odour, noise and other contaminants, minimize risk to public health and safety, and to ensure the long-term operational and economic viability of major facilities in accordance with provincial guidelines, standards and procedures.”

The subject lands are within 100 metres of King Street East and Main Street East which are identified as major arterial roads on Schedule C – Functional Road Classification in the UHOP. Accordingly, the Applicant submitted a Noise Impact Study prepared by dBA Acoustical Consultants Inc., dated December 2021 for 16 Steven Street. The Noise Study evaluated road noise impacts from King Street East, Main Street East, Wilson Street and Wentworth Street North which are major road noise sources for the site. The Study concluded that to comply with Ministry of Environment (MOE) Guidelines, no noise mitigation measures are required beyond applicable Ontario Building Code (OBC) requirements. The OBC requirements which will be addressed through a future Building Permit.

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### Cultural Heritage and Archaeology

Staff note that the Cultural Heritage policies have not been updated within the UHOP in accordance with the PPS. The following policies of the PPS also apply:

- “2.6.1 Significant built heritage resources and significant cultural heritage landscapes shall be conserved.
- 2.6.2 Development and site alteration shall not be permitted on lands containing archaeological resources or areas of archaeological potential unless significant archaeological resources have been conserved.
- 2.6.3 Planning authorities shall not permit development and site alteration on adjacent lands to protected heritage property except where the proposed development and site alteration has been evaluated and it has been demonstrated that the heritage attributes of the protected heritage property will be conserved.”

The subject property meets two of the ten criteria used by the City of Hamilton and Ministry of Heritage, Sport, Tourism and Culture Industries (MHSTCI) for determining archaeological potential:

- 1) In areas of pioneer EuroCanadian Settlement; and,
- 2) Along historic transportation routes.

Notwithstanding current surface conditions the criteria define the property as having archaeological potential. The proposal is for the adaptive reuse of the existing building. As such, Staff will require that a written caution note be added to any future Application that will involve excavation of all or part of the subject lands.

The existing building is included on the City’s Inventory of Buildings of Architectural and/or Historical Interest and within the Landsdale Established Historical Neighbourhood. A scoped Cultural Heritage Impact Assessment (CHIA) was submitted which assessed the impact of the exterior work proposed on the existing building at 16 Steven Street.

Staff concur with the recommendations stated in the submitted CHIA.

### Site Contamination

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“3.2.2 Sites with contaminants in land or water shall be assessed and remediated as necessary prior to any activity on the site associated with the proposed use such that there will be no adverse effects.”

The proposed multiple dwelling building at 16 Steven Street will establish residential uses on a site previously used for industrial purposes. A Phase 1 Environmental Site Assessment (ESA) was conducted by EXP Services Inc. and a Phase Two ESA was conducted by MTE Consultants Inc. for 16 Steven Street in accordance with O. Reg 153/04. A Record of Site Condition (RSC) for 16 Steven Street was filed in the Environmental Site Registry on September 22, 2020. The RSC demonstrated there is no evidence of any contaminants on the subject property that would interfere with the proposed residential use.

As the Application for Zoning By-law Amendment complies with the Official Plan, it is staff's opinion that the Application is:

- Consistent with Section 3 of the *Planning Act*,
- Consistent with the PPS (2020); and,
- Conforms to A Place to Grow: Growth Plan for the Greater Golden Horseshoe, 2019, as amended.

Based on the above, the proposal is consistent with the policies of the PPS (2020) and conforms with the applicable policies of A Place to Grow: Growth Plan for the Greater Golden Horseshoe (2019, as amended).

### **Urban Hamilton Official Plan (UHOP)**

The subject lands are identified as “Neighbourhoods” on Schedule “E” – Urban Structure and designated “Neighbourhoods” on Schedule “E-1” – Urban Land Use Designations. The following policies, amongst others, apply to the proposal.

#### Neighbourhoods

“E.2.6.4 The Neighbourhoods element of the urban structure shall permit and provide the opportunity for a full range of housing forms, types and tenure, including affordable housing and housing with supports.

E.2.6.7 Neighbourhoods shall generally be regarded as physically stable areas with each neighbourhood having a unique scale and character. Changes compatible with the existing character or function of the neighbourhood shall be permitted. Applications for development and residential intensification within Neighbourhoods shall be reviewed in consideration of



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the local context and shall be permitted in accordance with Sections B.2.4 – Residential Intensification, E.3.0 – Neighbourhoods Designation, E.4.0 – Commercial and Mixed Use Designations, and, E.6.0 – Institutional Designation.

#### Neighbourhoods Designation

- E.3.2.3 The following uses shall be permitted on lands designated Neighbourhoods on Schedule E-1 – Urban Land Use Designations:
- a) Residential dwellings, including second dwelling units and housing with supports;
- E.3.2.4 The existing character of established Neighbourhoods designated areas shall be maintained. Residential intensification within these areas shall enhance and be compatible with the scale and character of the existing residential neighbourhood in accordance with Section B.2.4 – Residential Intensification and other applicable policies of this Plan;
- E.3.2.15 The City shall encourage the adaptive reuse of the existing building stock for appropriate land uses. Rezoning Applications for new uses shall be evaluated to ensure compatibility with surrounding land uses; and,
- E.3.3.1 Lower density residential uses and building forms shall generally be located in the interiors of neighbourhood areas with higher density dwelling forms and supporting uses located on the periphery of neighbourhoods on or in close proximity to major or minor arterial roads.

#### High Density Residential

- E.3.6.1 High density residential areas are characterized by multiple dwelling forms on the periphery of neighbourhoods in proximity to major or minor arterial roads;
- E.3.6.2 Uses permitted in high density residential areas include multiple dwellings, except street townhouses;
- E.3.6.4 High density residential uses shall be located within safe and convenient walking distance of existing or planned community facilities/services, including public transit, schools, and active or passive recreational facilities;

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- E.3.6.6 In high density residential areas, the permitted net residential densities, identified on Appendix G – Boundaries Map shall be:
- a) Greater than 100 units per hectare and not greater than 500 units per hectare in Central Hamilton;
- E.3.6.7 Development within the high density residential category shall be evaluated on the basis of the following criteria:
- a) Development should have direct access to a collector or major or minor arterial road. If direct access to such a road is not possible, the development may be permitted in direct access to a collector or major or minor arterial roads from a local road upon which only a small number of low density residential dwellings are fronting on the local road; (OPA 109)
  - d) Development shall:
    - i) Provide adequate landscaping, amenity features, on-site parking, and buffering where required;
    - ii) Be compatible with existing and future uses in the surrounding area in terms of heights, massing, and an arrangement of buildings and structures; and,
    - iii) Provide adequate access to the property, designed to minimize conflicts between traffic and pedestrians both on-site and on surrounding streets;
  - e) In accordance with the policies of Section B.3.3 – Urban Design Policies, development shall contribute to an attractive public realm by minimizing the view of the following elements from the abutting public streets (excluding public alleys):
    - i) Surface parking areas.”

The proposal represents the adaptive reuse of an existing building for a high density residential use based on the land use (multiple dwelling) and density (317.1 uph) proposed. The subject lands are located at the periphery of the neighbourhood in close proximity to a major arterial road and are a desirable location for higher density residential uses in accordance with Policy E.3.3.1.

The proposed use of a multiple dwelling is permitted in accordance with Policy E.3.6.2 and will add to the range of housing types and tenure in the surrounding area (Policy

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E.2.6.4). The proposed use of a 15 unit multiple dwelling is compatible with the surrounding residential and commercial land uses. The proposal represents residential intensification within existing building stock and contributes to a complete community. The building form is compatible with and maintains the existing character and function of the neighbourhood as minimal exterior modifications to the existing building are proposed (Policies E.2.6.7, E.3.2.3, and E.3.2.4). The existing building will remain consistent with the neighbouring properties in terms of height, massing and setbacks (Policy E.3.6.7 d) ii).

The subject property is located on the periphery of the Landsdale Neighbourhood and has access to King Street East, a major arterial road without passing any low density residential dwellings (Policies E.3.6.1 and E.3.6.7). While direct access to a collector, major or minor arterial road is not feasible, minimal vehicle traffic will be generated by this development and therefore no impact to the existing road network is anticipated.

The subject lands are within Central Hamilton as per Appendix G – Boundaries Map of the UHOP. The proposal will maintain a net residential density of approximately 317.1 units per hectare in accordance with Policy E.3.6.6.

An outdoor amenity area is being provided at the rear of the building. The subject lands are in proximity to Tweedsmuir Park and JC Beemer Park which can be utilized by future tenants in addition to the amenity area provided on site. No additional landscaping can be accommodated within the limits of the subject property as a result of the existing building setbacks (Policy E.3.6.7d) i)). Direct pedestrian access will be provided from the principal entrance along Steven Street to the sidewalk. Access to the proposed parking spaces will be provided from the rear of the building with no anticipated conflicts between traffic and pedestrians (Policies E.3.6.7d) iii) and E.3.6.7 e) i).

The Applicant is seeking a reduction in the required parking spaces from 19 spaces and five visitor parking spaces to a total of two parking spaces. The reduced parking standard represents a policy shift to support the needs expressed for affordable housing. Staff support for this parking reduction shall be monitored as a pilot project to help inform future residential parking standards for Zoning By-law No. 05-200. The proposed parking standard should not be seen as a precedent for other developments.

Additionally, the proposed parking reduction has merit based on the location of the subject property. The subject property is adjacent to the Downtown Hamilton Secondary Plan (DHSP) area which has substantially reduced parking requirements. In the DHSP area, no parking is required for the first 12 units of a residential development. Furthermore, as part of the Residential Zoning Reform project, Planning staff are exploring and assessing options for lowered, and possibly eliminate, parking standards.

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The subject property is serviced by a number of existing transit routes including HSR bus route nos. 1, 3, 10, 12, and is located approximately 300 metres from a planned LRT stop (Policy E.3.6.7 i). The subject property is also within walking distance to a number of community facilities and services including schools, places of worship, and recreational facilities (Policy E.3.6.4), and a variety of commercial uses along King Street East and the surrounding area.

While street parking is available in the neighbourhood, it should be noted that the residents of the proposed multiple dwelling would not be eligible to obtain street parking permits as more than three units are proposed. There is the potential that parking needs related to the proposal will spill over into the neighbourhood, however the location of the subject lands will allow future tenants to rely other modes of travel for their daily needs.

The proposed parking modification is further discussed in Appendix “C” attached to Report PED22125.

#### Residential Intensification

- “B.2.4.1.1 Residential intensification shall be encouraged throughout the entire built-up area, in accordance with the policies of Chapter E – Urban Systems and Designations and Chapter F – Implementation;
- B.2.4.1.4 *Residential intensification* developments shall be evaluated based on the following criteria:
- a) A balanced evaluation of the criteria in b) through g), as follows;
  - b) The relationship of the proposal to existing neighbourhood character so that it maintains, and where possible, enhances and builds upon desirable established patterns and built form;
  - c) The development’s contribution to maintaining and achieving a range of dwelling types and tenures;
  - d) The *compatible* integration of the development with the surrounding area in terms of use, scale, form and character. In this regard, the City encourages the use of innovative and creative urban design techniques;
  - e) The development’s contribution to achieving the planned urban structure as described in Section E.2.0 – Urban Structure;

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- f) Infrastructure and transportation capacity; and,
- g) The ability of the development to comply with all applicable policies;

B.2.4.2.2 When considering an Application for a residential intensification development within the Neighbourhoods designation, the following matters shall be evaluated:

- a) The matters listed in Policy B.2.4.1.4;
- b) Compatibility with adjacent land uses including matters such as shadowing, overlook, noise, lighting, traffic, and other nuisance effects;
- c) The relationship of the proposed building(s) with the height, massing, and scale of nearby residential buildings;
- d) The consideration of transitions in height and density to adjacent residential buildings;
- e) The relationship of the proposed lot(s) with the lot pattern and configuration within the neighbourhood;
- f) The provision of amenity space and the relationship to existing patterns of private and public amenity space;
- g) The ability to respect and maintain or enhance the streetscape pattern including block lengths, setbacks and building separations;
- h) The ability to complement the existing functions of the neighbourhood;
- i) The conservation of cultural heritage resources; and,
- j) Infrastructure and transportation capacity and impacts.”

This proposal represents a form of residential intensification within an existing building, maintaining the established neighbourhood character, streetscape patterns and setbacks of the surrounding neighbourhood (Policies B.2.4.1.4 b), d) and B.2.4.2.2 g)). The existing building is included on the City’s Inventory of Buildings of Architectural and/or Historical Interest thus the proposal allows for the conservation of existing cultural heritage resources (Policy B.2.4.2.2 i)). The proposal will contribute to a range

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of dwelling types and tenures in accordance with the “Neighbourhoods” policies of Section 2.0 - Urban Structure of the UHOP (Policy B.2.4.1.4 c) and e)).

As no development is proposed to facilitate the proposal, there are no anticipated shadow, overlook or lighting concerns (B.2.4.2.2. b)). The proposal represents a high residential density development adjacent to existing low density residential uses. Staff acknowledge the floor area ratio of the building is an existing condition and the scale of the existing three storey building maintains an appropriate transition in scale to the surrounding one and two storey single detached dwellings (Policy B.2.4.1.4 d), B.2.4.2.2 c) and d)).

The provision of additional residential units will complement the existing functions of the neighbourhood providing additional housing opportunity for residents in proximity to the future LRT corridor (Policy B.2.4.2.2 h)). Outdoor private amenity area is provided at the rear of the property at grade. In addition, the subject property is in walking distance to various parks (Policy B.2.4.2.2 f)).

The subject property is serviced by municipal sewer and water infrastructure and can adequately service the proposed development. The existing road network can accommodate the minimal increase in vehicular traffic. (Policy B.2.4.1.4 f) and B.2.4.2.2 j)).

#### Urban Design

“B.3.3.2.2 The principles in Policies B.3.3.2.3 through B.3.3.2.10 inclusive, shall apply to all development and redevelopment, where applicable;

B.3.3.2.3 Urban design should foster a sense of community pride and identity by:

- a) Respecting existing character, development patterns, built form, and landscape;
- b) Promoting quality design consistent with the locale and surrounding environment;
- c) Recognizing and protecting the cultural history of the City and its communities;
- f) Demonstrating sensitivity toward community identity through an understanding of the character of a place, context and setting in both the public and private realm; and,

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- g) Contributing to the character and ambiance of the community through appropriate design of streetscapes and amenity areas.”

The proposal respects the existing character of the neighbourhood by preserving the building with minimal exterior modifications which consist of the realignment of the front door to be central on the front façade and the removal of the existing exterior staircase (fire escape).

The internal conversion of the existing building supports the importance of preserving the community’s identity and the existing character and streetscape (Policy B.3.3.2.3).

### Trees

The following policy provides direction regarding tree and woodland protection:

- “C.2.11.1 The city recognizes the importance of trees and woodlands to the health and quality of life in our community. The city shall encourage sustainable forestry practices and the protection and restoration of trees and forests.”

Trees have been identified on adjacent properties and within the municipal right of way, surrounding the subject lands, which may be impacted by development activity. Accordingly, a Tree Management Plan (TMP) has been prepared by Adesso Design Inc. Landscape Architecture, dated January 18, 2022, in support of the Applications. No development is proposed as a result of the change in land use and the proposal will not be subject to Site Plan Control. Staff encourage one for one compensation for any tree 10 cm DBH or greater proposed to be removed to ensure the existing tree cover is maintained (Policy C.2.11.1).

### Landsdale Neighbourhood Plan

- F.1.2.7 Neighbourhood plans are policies adopted by council resolution and do not form part of the Official Plan. Any proposal for development or redevelopment must conform to the designations, and policies in the Neighbourhood Plan.
- F.1.2.8 Any amendment to the Neighbourhood Plan must be evaluated using the provisions of Policies F.1.1.3 and F.1.1.4 and shall require a formal Council decision to enact the amendment.

The subject property is designated “Single and Double” within the Landsdale Neighbourhood Plan. The “Single and Double” designation does not reflect the

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proposed multiple dwelling. Therefore, staff recommend the Neighbourhood Plan be amended to designate the lands “High Density Apartments” to reflect what is proposed.

The policies of the Landsdale Neighbourhood Plan encourages apartment developments to achieve a variety and balance of dwelling types in appropriate locations particularly the southerly portions of the neighbourhood adjacent to major roads and to facilitate the redevelopment of industrial uses.

The proposed multiple dwelling is located near the southern boundary of the Landsdale Neighbourhood in close proximity to King Street East and will facilitate the conversion of a previous industrial use. Therefore, the proposed amendment to the Landsdale Neighbourhood Plan is appropriate and is supported by staff.

Based on the foregoing, the proposal complies with the policies of the Landsdale Neighbourhood Plan, subject to the change in designation from “Single and Double” to “High Density Apartments” as outlined in the Recommendations Section of Report PED22125.

**City of Hamilton Zoning By-law No. 6593**

The subject lands are currently zoned “D” (Urban Protected Residential – One and Two Family Dwellings, Etc.) District.

In order to permit the proposed multiple dwelling on the subject lands (see Appendix “A” to Report PED22125), the Applicant has applied to change the zoning to a site specific “DE-3/S-1820” (Multiple Dwellings) District, Modified. Modifications to the “DE-3” (Multiple Dwellings) District will be required to implement the proposal which are outlined in the Report Fact Sheet above and are discussed in detail in Appendix “C” to Report PED22125.

**RELEVANT CONSULTATION**

<b>Departments and Agencies</b>	
<ul style="list-style-type: none"> <li>• Canada Post Corporation; and,</li> <li>• Alectra Utilities</li> </ul>	No Comment



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<b>Departments and Agencies</b>		
	<b>Comment</b>	<b>Staff Response</b>
Development Engineering Approvals Section, Growth Management Division, Planning and Economic Development Department	<ul style="list-style-type: none"> <li>• There are no major concerns with the preliminary grading plan. A revised grading plan, site servicing plan, functional servicing report, stormwater management report and erosion and sediment control plan will be required;</li> <li>• If the proponent wishes to reuse the existing services on the property, the Owner must ensure the sewers are in adequate working condition via video inspection (CCTV).</li> <li>• Existing municipal watermain, storm sewer, and sanitary sewer infrastructure is located along the frontages of the subject lands. The property is subject to cost recoveries for the road, sanitary sewer and connections, storm sewer, watermain, and connections.</li> <li>• If dewatering is required to support construction activities, dewatering discharge must comply with City of Hamilton sewer Use By-law and Temporary Sewer Discharge Permit requirements.</li> <li>• Infrastructure Planning does not have any comment on this Application from a stormwater management perspective;</li> </ul>	The scope of the changes to the existing building are limited to the realignment the front entrance and the removal of the existing exterior staircase. No development is proposed as a result of the change in land use. The proposal will not require a Site Plan Application to facilitate the proposed change in land use.
Forestry and Horticulture Section, Environmental Services Division, Public Works Department	<ul style="list-style-type: none"> <li>• Amendments to the submitted Tree Management Plan dated 2022-01-18 are required.</li> <li>• Amendments to the submitted Landscape Plan dated 2022-01-18 are required.</li> </ul>	The scope of the changes to the existing building are limited to the realignment the front entrance and the removal of the existing exterior staircase. No development is proposed as a result of the change in land use and the proposal will not require a Site Plan Application to facilitate the proposed change in land use.

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<b>Departments and Agencies</b>		
	<b>Comment</b>	<b>Staff Response</b>
Growth Planning Section, Growth Management Division, Planning and Economic Development Department	<ul style="list-style-type: none"> <li>It should be determined if the proposed development will be condominium tenure.</li> <li>It should be determined if any easements are required for access and servicing purposes and if the building is encroaching into the municipal right-of-way.</li> <li>The preliminary address of 16 Steven Street has been assigned to the lands and will become final upon issuance of final certificate of Consent to Sever Application HM/B-21:45.</li> </ul>	<p>The scope of the changes to the existing building are limited to the realignment the front entrance and the removal of the existing exterior staircase. No development is proposed as a result of the change in land use and the proposal will not require a Site Plan Application to facilitate the proposed change in land use.</p> <p>The Applicant has confirmed the building will have rental tenure.</p>
Transportation Planning Section, Transportation Planning and Parking Division, Planning and Economic Development Department	<ul style="list-style-type: none"> <li>Minimal traffic will be generated by this development and no negative impact on the existing road network is anticipated.</li> <li>The Applicant shall provide five short-term and eight long term bicycle parking spaces.</li> <li>Transportation Planning cannot guarantee vehicle accessibility/access to the proposed parking spaces via the alleyway at the rear of the property.</li> </ul>	<p>The scope of the changes to the existing building are limited to the realignment the front entrance and the removal of the existing exterior staircase. No development is proposed as a result of the change in land use and the proposal will not require a Site Plan Application to facilitate the proposed change in land use.</p> <p>The adjacent alleyway is assumed.</p>
Waste Management Operations Section, Environmental Services Division, Public Works Department	<ul style="list-style-type: none"> <li>The development is eligible for municipal waste collection and will be required to follow the requirements under the Waste Management System By-law No. 21-221.</li> </ul>	<p>A Waste Management Plan will need to be submitted to Waste Planning to identify how waste management services will be provided by the private waste hauler.</p>

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<b>Departments and Agencies</b>		
	<b>Comment</b>	<b>Staff Response</b>
Real Estate	<ul style="list-style-type: none"> <li>The subject property is adjacent to a City-owned alleyway to the south. Real Estate recommends the Applicant consult with Corridor Management about acquiring the adjacent alleyway.</li> </ul>	Noted.

<b>Public Consultation</b>		
<b>Issue</b>	<b>Comment</b>	<b>Staff Response</b>
Parking	There is concern about the proposed parking ratio for the multiple dwelling.	<p>A Parking Study prepared by Paradigm Transportation Solutions Limited was submitted recommending approval of the proposed parking ratio.</p> <p>The reduction can be supported as the subject property is serviced by a number of existing transit routes and in close proximity to a planned LRT stop. The subject property is also located within walking distance to a number of community facilities and services.</p> <p>The proposal represents residential intensification within an existing building allowing for the preservation of a building on the inventory. It is not feasible to provide additional parking on site based on the existing site constraints.</p>

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Public Consultation		
Issue	Comment	Staff Response
Parking (Continued)		The proposed parking modification is further discussed in Appendix “C” attached to Report PED22125.

## **PUBLIC CONSULTATION**

In accordance with the Council’s Public Participation Policy, the UHOPA and Zoning By-law Amendment Applications were circulated as part of the Notice of Complete Application to 149 property owners within 120 metres of the subject lands on February 15, 2022. A Public Notice Sign was installed on the property on March 1, 2022 and updated on May 18, 2022. Finally, Notice of the Public Meeting was given on May 27, 2022 in accordance with the requirements of the *Planning Act*.

To date, two submissions have been received by the City expressing concern about the proposed parking ratio (see Appendix “F” attached to Report PED22125).

### **Public Consultation Strategy**

The Applicants submitted a Public Consultation Strategy with the initial submission of the Application. The Applicant proposed to provide a letter to residents within 120 metres of the subject lands to provide information on the proposal and the consultant contact information. The letter was sent to 149 property owners within 120 metres of the subject lands on February 15, 2022. The Applicant also created an online portal accessible to the public for the proposed development.

The Applicant has received feedback from two residents which is summarized as follows:

- One resident noted they were pleased to see a project for a local, non-profit housing group;
- One resident noted they would like to see renderings of the proposed changes to the building;
- One resident inquired whether the existing trees within the rear yard will be retained,
- Both residents inquired about the existing boarded-up windows and whether they would be reopened through this proposal;

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- One resident requested to review the submitted Heritage Impact Assessment and Tree Preservation Plan;
- One resident requested confirmation if the existing staircase would be removed;
- One resident inquired whether a fence will be installed along the property lines; and,
- One resident inquired about the timing of the project completion.

Staff have the following response:

- No alterations to the existing building (except realigning the front door to be central on the front façade and removal of existing exterior staircase) are proposed as a result of the change in land use; therefore, no renderings or elevations were required for the proposal;
- Four trees are proposed to be removed to implement the proposal. Staff encourage one for one compensation for any tree 10 cm DBH or greater proposed to be removed;
- Staff concur with the recommendations of the Heritage Impact Assessment which include installing new doors and windows within the existing masonry openings;
- The Applicant has confirmed the submitted Heritage Impact Assessment and Tree Management Plan are included on the online portal;
- The Applicant has confirmed the existing exterior staircase (fire escape) will be removed and replaced with an internal stairway; and,
- Fencing or a visual barrier along the property lines is not a Zoning By-law requirement.

## **ANALYSIS AND RATIONALE FOR RECOMMENDATION**

1. The proposal has merit and can be supported for the following reasons:
  - (i) It is consistent with the Provincial Policy Statement (2020) and conforms to A Place to Grow: Growth Plan for the Greater Golden Horseshoe, 2019, as amended;
  - (ii) It complies with the policies of the Urban Hamilton Official Plan; and,
  - (iii) The proposed development is compatible with existing land uses in the immediate area and represents good planning by, among other things, increasing the supply of housing units, making efficient use of existing infrastructure within the urban boundary through appropriate adaptive reuse, and supporting public transit.

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2. Zoning By-law Amendment

The purpose of the Application for Zoning By-law Amendment is to rezone the subject lands from the “D” (Urban Protected Residential – One and Two Family Dwellings, Etc.) District to the “DE-3/S-1820” (Multiple Dwellings) District, Modified. The existing “D” (Urban Protected Residential – One and Two Family Dwellings, Etc.) District does not permit the use and scale of the proposed development.

The proposed Zoning By-law Amendment meets the intent of the “Neighbourhoods” designation of the UHOP and the residential intensification policies, with some modifications required to recognize the existing built form. The modifications are identified on page 4 of Report PED22125 and discussed in detail in Appendix “D” attached to Report PED22125.

Therefore, staff support the proposed Zoning By-law Amendment.

3. High Density Residential Designation

The UHOP establishes three categories of residential land use to provide direction for the general location, scale and design of residential development. The proposed net residential density is consistent with the high density residential category as a technicality due to the size of the subject lands.

Amendments to the UHOP as part of the Municipal Comprehensive Review / Official Plan Review are going to Planning Committee on May 17, 2022. PED21067(b) contains recommendations, amongst others, to remove maximum net residential density numbers in the Neighbourhoods designation of the UHOP. This policy shift is informative but not determinative for the purposes of identifying a low, medium or high density residential development. In accordance with the proposed amendments to the UHOP, the subject proposal would represent a low or medium density residential use going forward.

**ALTERNATIVES FOR CONSIDERATION**

Should the Applications be denied, the subject lands could be used in accordance with the “D” (Urban Protected Residential – One and Two Family Dwellings, Etc.) District in the City of Hamilton Zoning By-law No. 6593 which permits single detached dwellings.

**SUBJECT: Application to Amend Zoning By-law No. 6593 for Lands Located at 16 Steven Street and part of 436 King William Street, Hamilton (PED22125) (Ward 3) - Page 23 of 23**

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## **ALIGNMENT TO THE 2016 – 2025 STRATEGIC PLAN**

### **Community Engagement and Participation**

Hamilton has an open, transparent and accessible approach to City government that engages with and empowers all citizens to be involved in their community.

### **Economic Prosperity and Growth**

Hamilton has a prosperous and diverse local economy where people have opportunities to grow and develop.

### **Healthy and Safe Communities**

Hamilton is a safe and supportive City where people are active, healthy, and have a high quality of life.

### **Built Environment and Infrastructure**

Hamilton is supported by state of the art infrastructure, transportation options, buildings and public spaces that create a dynamic City.

### **Our People and Performance**

Hamiltonians have a high level of trust and confidence in their City government.

## **APPENDICES AND SCHEDULES ATTACHED**

Appendix “A” to Report PED22125 – Location Map

Appendix “B” to Report PED22125 – Draft Zoning By-law Amendment

Appendix “C” to Report PED22125 – Zoning Chart

Appendix “D” to Report PED22125 – Concept Plan

Appendix “E” to Report PED22125 – Public Submissions

JA:sd





**Appendix “B” to Report PED22125  
Page 1 of 3**

**Authority:** Item ,  
Report (PED22125)  
CM:  
Ward: 3

**Bill No.**

**CITY OF HAMILTON****BY-LAW NO.**

**To Amend Zoning By-law No. 6593  
Respecting Lands Located at 16 Steven Street and Part of 436 King William  
Street, Hamilton**

**WHEREAS** Council approved Item \_\_ of Report \_\_\_\_\_ of the Planning Committee, at its meeting held on June 14, 2022; and,

**AND WHEREAS** the City of Hamilton is the successor to certain area municipalities, including the former municipality known as the “The Corporation of the City of Hamilton” and is the successor to the former regional municipality, namely, “The Regional Municipality of Hamilton-Wentworth”;

**AND WHEREAS** the City of Hamilton Act, 1999 provides that the Zoning By-laws and Official Plans of the former area municipalities and the Official Plan of the former regional municipality continue in full force in the City of Hamilton until subsequently amended or repealed by the Council of the City of Hamilton;

**AND WHEREAS** the Council of The Corporation of the City of Hamilton passed Zoning By-law No. 6593 (Hamilton) on the 25th day of July 1950, which by-law was approved by the Ontario Municipal Board by Order dated the 7th day of December 1951 (File No. P.F.C. 3821);

**AND WHEREAS** the Council of the City of Hamilton, in adopting Item of Report 22 - of the Planning Committee, at its meeting held on the day of June 14, 2022, recommended that Zoning By-law No. 6593 (Hamilton), be amended as hereinafter provided;

**NOW THEREFORE** the Council of the City of Hamilton enacts as follows:

1. That Sheet No. E12 of the District Maps as amended to and forming part of By-law No. 6593 (Hamilton), is amended by changing the zoning from the “D” (Urban Protected Residential – One and Two Family Dwellings, Etc.) District to the “DE-3/S-1820” (Multiple Dwellings) District, Modified; the extent and boundaries of which are more particularly shown on Schedule “A” annexed hereto and forming part of this By-law.

**Appendix "B" to Report PED22125****Page 2 of 3**

2. That the "DE" (Multiple Dwellings) District provisions as contained in Section 10C of Zoning By-law No. 6593 applicable to the subject lands, be modified to include the following special requirements:
- a) That notwithstanding Sections 10C(3)(i)(b), 10C(3)(ii)(b), 10C3(iii)(b), 10C(5), 18(3)(vi)(b), 18(3)(vi)(e) and 18(4)(v) a 15 unit multiple dwelling shall be permitted within the building existing on the date of passing of this By-law only. Any additions to the existing building shall otherwise conform to the By-law.
  - b) That notwithstanding Section 10C (4) (iv), an area of at least 473.0 square metres shall be required for a 15 unit multiple dwelling within the building existing on the date of passing of this By-law only.
  - c) That notwithstanding Section 10C (6), a minimum of 10% of the area of the lot shall be landscaped area, unused for access or manoeuvring space or parking space or for any other purpose other than landscaped area.
  - d) That notwithstanding Section 18A (1) (a) and (b) and Section 1 (g) of Table 1 and Table 2, the Minimum Parking Requirement for a Multiple Dwelling shall be 0.13 spaces per Class A Dwelling Unit.
  - e) That notwithstanding Section 18A(1)(c), and 18A Table 3, no loading space shall be required.
  - f) Section 18A (1) (f) and Column 1 and Column 2 of Table 6, shall not apply.
  - g) Section 18A (25) and (26), shall not apply.
  - h) Section 18A (28), shall not apply.
3. That no building or structure shall be erected, altered, extended or enlarged, nor shall any building or structure or part thereof be used, nor shall any land be used, except in accordance with the "DE-3/S-1820" (Multiple Dwellings) District, Modified, provisions.
4. That the Clerk is hereby authorized and directed to proceed with the giving of notice of the passing of this By-law, in accordance with the *Planning Act*.

**PASSED** this \_\_\_\_\_ , \_\_\_\_\_



---

F. Eisenberger  
Mayor

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A. Holland  
City Clerk

ZAC-22-019

		
<p style="text-align: center;">This is Schedule "A" to By-law No. 22-</p> <p style="text-align: center;">Passed the ..... day of ....., 2022</p>	<p style="text-align: center;">----- Mayor -----</p> <p style="text-align: center;">----- Clerk -----</p>	
<div style="display: flex; justify-content: space-between;"> <div style="width: 45%; text-align: center;"> <h2 style="margin: 0;">Schedule "A"</h2> <h3 style="margin: 0;">Map forming Part of By-law No. 22- _____</h3> <h3 style="margin: 0;">to Amend By-law No. 6593</h3> </div> <div style="width: 50%;"> <p><b>Subject Property</b></p> <p>16 Steven Street and Part of 436 King William Street</p> <p> Change is zoning from "D" (Urban Protected Residential – One and Two Family Dwellings, Etc.) District to "DE-3/S-1820" (Multiple Dwellings) District</p> </div> </div>		
<p>Scale: N.T.S</p>	<p>File Name/Number: ZAC-22-019</p>	
<p>Date: April 29, 2022</p>	<p>Planner/Technician: JAVS</p>	
<p>PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT</p>		



**Appendix “D” to Report PED22125**  
**Page 1 of 5**

<u>Site Specific Modifications to the “DE-3” (Multiple Dwellings) District</u>			
<b>Regulation</b>	<b>Required</b>	<b>Modification</b>	<b>Analysis</b>
Section 10C (3) (i) (b) Front Yard Depth	Minimum 6.0 metres.	To permit a multiple dwelling within the existing building and recognize existing yards.	The proposed modification permits the reduction in front yard depth to recognize the existing condition. The existing character of the neighbourhood will be maintained as the modification recognizes existing conditions.  No changes to the location, size and encroachments into required yards of the existing building are proposed.  Therefore, staff support these modifications.
Section 10C (3)(ii) (b) Side Yard Width	1.5 metres		
Section 10C (3)(iii)(b) Rear Yard Depth	3.0 metres		
<b>Section 10C(5) Floor Area Ratio</b>	<b>Maximum 0.90</b>		
Section 18 (3) (vi) (b) Encroachment of Eaves and Gutters	Eaves and gutters may project into a required front yard not more than 1.5 metres provided that no such projection shall be closer to a street line than 1.5 metres.  May project into a required rear yard not more than 1.5 metres.  May project into a required side yard not more than one-half of its width, or 1.0m whichever is the lesser.		

**Appendix “D” to Report PED22125**  
**Page 2 of 5**

Regulation	Required	Modification	Analysis
<p>Section 18 (3) (vi) (b) Encroachment of Uncovered porch, terrace, platform</p> <p>Section 18 (4) (v) Air Conditioners</p>	<p>A terrace, uncovered porch, platform or ornamental feature which does not extend more than 1.0 metre above the floor level of the first storey, may project into a required yard, if distant at least 0.5 metres from the nearest side lot line and at least 1.5 metres from the nearest street line;</p> <p>Air conditioner equipment within a required side yard or required rear yard shall have a minimum setback of 0.6 metres from the side lot line or rear lot line.</p>		
<p>Section 10C (4) (iv) Lot Area</p>	<p>Minimum lot area of 630.0 square metres for a multiple dwelling</p>	<p>To permit a 473.0 square metre lot area.</p>	<p>The proposed modification reflects the existing condition which is consistent with the neighbouring lands and also allows sufficient space for on-site parking and amenity area.</p> <p>Therefore, staff support this modification.</p>
<p>Section 10C (6) Landscaped Area</p>	<p>25%</p>	<p>10%</p>	<p>The proposed modification is to permit a reduction in the required landscaped area on site.</p> <p>The portion of the subject lands known as 436 King William Street was retained through Consent to Sever application HM/B-21:45. These lands will contain approximately 50 square metres of landscaped area used for outdoor amenity area for the proposed multiple dwelling.</p>

**Appendix “D” to Report PED22125**  
**Page 3 of 5**

Regulation	Required	Modification	Analysis
Section 10C (6) Landscaped Area <b>(Continued)</b>			<p>It is not feasible to provide landscaping on the portion of the subject lands known as 16 Steven Street due to the existing location of the building. The existing landscaping within the Steven Street right-of-way will be maintained.</p> <p>Therefore, staff support this modification.</p>
Section 18A (1) (a) and (b) - Table 1 and Table 2 Minimum Required Parking	Multiple dwelling requires 1.25 spaces per Class A dwelling unit (19 parking spaces). The visitor parking requirement is 0.25 spaces per unit (five visitor parking space).	To permit a parking ration of 0.13 parking spaces per Class A dwelling unit (two parking spaces, one for visitor parking).	<p>The proposed modification is to permit a reduction in required parking spaces from 19 spaces and five visitor spaces to a total of two parking spaces.</p> <p>The subject property is located approximately 300 metres from a future LRT stop and is serviced by a number of existing bus routes including HSR bus route nos. 1, 3, 10 and 12. The subject property is also within walking distance to a number of community facilities and services including schools, places of worship, recreational facilities, parks and a variety of commercial uses along King Street East and in the surrounding area.</p> <p>Due to the constraints of the site it is not feasible to provide additional parking on site. The proposal will allow for the creation of additional housing in proximity to higher order transit and within an existing building on the City's Inventory of Heritage Buildings. The residents of the proposed multiple dwelling will not be eligible to obtain street parking permits and therefore no impact on the existing street parking is anticipated. Staff are satisfied the residents can rely on public transit for their daily activities.</p> <p>Therefore, staff support this modification.</p>

**Appendix “D” to Report PED22125**  
**Page 4 of 5**

<b>Regulation</b>	<b>Required</b>	<b>Modification</b>	<b>Analysis</b>
Section 18A (1) (c) Minimum Required Loading Space for Multiple Dwellings	One loading space for multiple dwellings between five and thirty units.	Shall not apply.	<p>The proposed modification permits the elimination of a loading space requirement. The regulation seeks to ensure that there is an area to load and unload items such as furniture.</p> <p>Due to the constraints of the site and existing location of the building there is no feasible location for a loading space. The subject property fronts onto Steven Street which is a local road in accordance with Schedule C of the UHOP. Steven Street can be utilized for loading facilities for the multiple dwelling.</p> <p>Therefore, staff support the proposed modification.</p>
Section 18A(1)(f) and Column 1 and Column 2 of Table 6 Manoeuvring Space Aisle Width	6.0 metres	Shall not apply.	<p>The proposed modification permits no on-site manoeuvring space for the two parking spaces being provided on the subject lands. The intent of the regulation is to ensure all vehicles can safely manoeuvre to and egress from any required parking spaces.</p> <p>The proposed parking spaces have direct, unobstructed access to the adjacent assumed alleyway which will provide sufficient space to safely manoeuvre in and egress from the subject property. Given only two parking spaces are being provided, minimal traffic impacts will be generated as a result of the proposal.</p> <p>Therefore, staff support the proposed modification.</p>



**Appendix “D” to Report PED22125**  
**Page 5 of 5**

<b>Regulation</b>	<b>Required</b>	<b>Modification</b>	<b>Analysis</b>
<p>Section 18A (25) and (26)            Access driveway abutting residential</p>	<p>Access driveway shall be located not less than 3.0 metres from the common boundary between the district in which the multiple dwelling is located and the district which does not permit such uses (D District).</p>	<p>Shall not apply.</p>	<p>The intent of the regulation is to ensure that there is a buffer between multiple dwelling uses and low-rise residential uses. Although the proposal seeks to establish 15 dwelling units, there are only two parking spaces being provided which would result in minimal traffic impacts that would require additional buffering.</p> <p>Therefore, staff support this modification.</p>
<p>Section 18A. (28)            Vehicular access to and from any land used for a multiple dwelling</p>	<p>No land in a residential district in which a multiple dwelling is not permitted shall be used for the purpose of vehicular access to or egress from any land used for a multiple dwelling.</p>	<p>Shall not apply.</p>	<p>The proposed modification will permit the passage of vehicles from the subject property, through the rear of adjacent properties in the “D” District by way of the existing right-of-way access. The purpose of the regulation is to ensure that adjacent areas of higher density forms do not produce conflict with lower-density land uses. The traffic generated on site is minor in scale and consistent with conditions created by the residential uses permitted within the “D” District.</p> <p>Therefore, staff support this modification.</p>

**From:** [Nadia Matos](#)  
**To:** [Allen, Jennifer](#)  
**Subject:** Zoning By-law Amendment Application ZAC-22-019  
**Date:** February 17, 2022 4:58:06 PM

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Good Afternoon Jennifer,

Myself and my father Avelino Matos who lives on [REDACTED] have recently received a letter regarding the Zoning By-law Amendment Application ZAC-22-019. In it, the applicant has asked to reduced the parking ratio but increase apartment units to fifteen.

My question is in regards to parking - how does the city plan to deal with and balance the lack of on-street parking, when considering the approval of 15 new units in the area? Parking on Steven Street and surrounding streets are already very limited.

Over the last few years, many big one family unit dwellings in the area have been turned into apartments. So instead of one family living there now 3 separate apartments, with that increasing the cars that park on the Steven Street.

We have serious concerns about the increase of units at 436 King William Street potentially 5-15 new parking spaces now being taken up on a street that just simply does not have the room. Especially with COVID-19 where many people including myself continue to work from home.

I appreciate your time and understanding and I ask that you help me direct my concerns to the appropriate people.

I would like to make a formal submission that an increase in 15 units on Steven Street - would have to take into consideration parking for at least 10 of those units - not a reduced parking footprint as the application indicates.

Regards  
Nadia Matos  
[REDACTED]

**From:** [Suzanne Latendresse](#)  
**To:** [Allen, Jennifer](#)  
**Subject:** Re: ZAC-22-019 - 16 Steven Street and Part of 436 King William Street  
**Date:** March 22, 2022 5:10:49 PM

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Hello Jennifer

Thankyou for your email, following up on our phone conversation regarding 16 Steven St. I'd like to formally express our concerns about parking, it's very limited as it is now on this street, with not enough spaces for those in the area. The proposed housing, 15 new units with only 2 parking spaces is a big concern.

Hope I have brought forward this issue correctly.

Thank you for your time on this matter.

Suzanne Latendresse



On Mon., Mar. 14, 2022, 4:03 p.m. Allen, Jennifer, <[Jennifer.Allen@hamilton.ca](mailto:Jennifer.Allen@hamilton.ca)> wrote:

Hi Suzanne,

I am following up on our phone conversation just now regarding the above noted application to provide my contact information.

Email: [Jennifer.allen@hamilton.ca](mailto:Jennifer.allen@hamilton.ca)

Phone: 905-546-2424 ext. 4672

If you have any other questions or concerns about the application, please feel free to contact me.

Regards,

Jennifer

**Jennifer Allen**

Planner II – Urban Team

Development Planning

Planning and Economic Development Department

City of Hamilton, 71 Main St W, 5<sup>th</sup> Floor, L8P 4Y5

Ph: 905.546.2424 ext. 4672

**NOTE:** As of March 18, all City of Hamilton offices and facilities have been closed to the public with the exception of the First Floor, City Hall, to help prevent the possible spread of the Covid-19 virus.

Planning staff will continue to serve the community over the phone or by email. However, staff are working from home as a precautionary measure to protect both the public and staff and staff will endeavour to reply to your email as soon as possible.

Digital submissions and resubmissions are preferred. Alternatively you may make your submission by courier, mail or by drop off at the First Floor, City Hall.

Please be aware that information on the City's response to Covid-19 and the City of Hamilton Official Plan, Zoning By-laws and submission requirements can be found on the City's website at [www.hamilton.ca](http://www.hamilton.ca).

Thank you for your anticipated cooperation.



WELCOME TO THE CITY OF HAMILTON

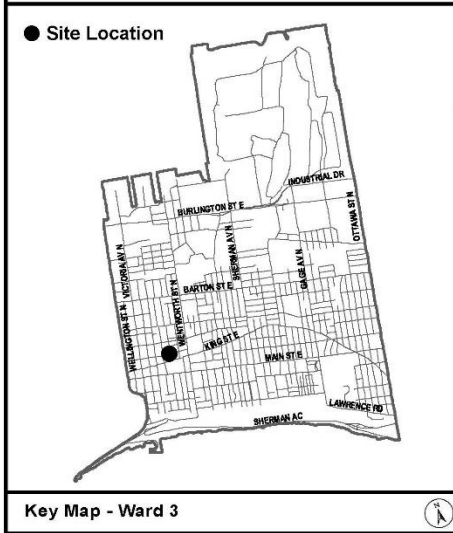
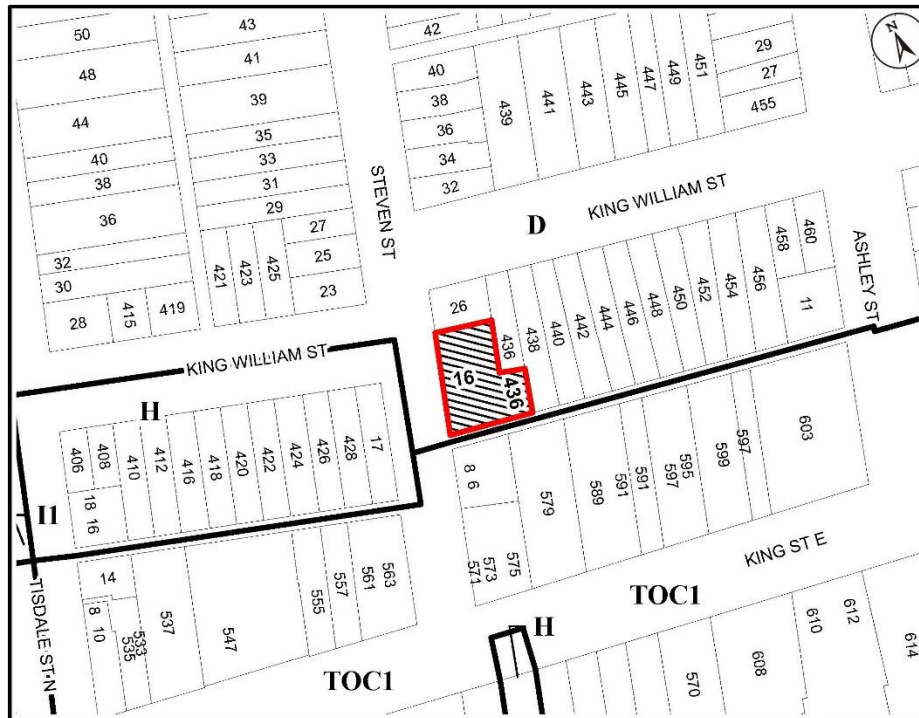
# PLANNING COMMITTEE

June 14, 2022

## **PED22125 – (ZAC-22-019)**

Application to Amend Zoning By-law No. 6593 for Lands Located at 16 Steven Street and part of 436 King William Street, Hamilton.

Presented by: Jennifer Allen



### Location Map

PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT

Hamilton

File Name/Number: ZAC-22-019	Date: February 15, 2022
Appendix "A"	Scale: N.T.S.
Planner/Technician: JA/AL	

**Subject Property**

16 Steven Street and 436 King William Street



**SUBJECT PROPERTY**



**16 Steven Street and part of 436 King William Street, Hamilton**









View of the site looking east from Steven Street



View of the site and surrounding area looking south on Steven Street



View of the site and surrounding area looking north on Steven Street



View of adjacent alleyway looking east on Steven Street



View of the rear of site looking north from the alleyway



View looking west from the site on Steven Street



View looking east on King William Street





View looking north on Steven Street



# THANK YOU FOR ATTENDING

THE CITY OF HAMILTON PLANNING COMMITTEE



**CITY OF HAMILTON**  
**PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT**  
**Planning Division**

<b>TO:</b>	Chair and Members Planning Committee
<b>COMMITTEE DATE:</b>	June 14, 2022
<b>SUBJECT/REPORT NO:</b>	Housekeeping Amendments to the Former City of Hamilton Zoning By-law No. 6593 and the Town of Glanbrook Zoning By-law No. 464 (PED22131) (City Wide)
<b>WARD(S) AFFECTED:</b>	City Wide
<b>PREPARED BY:</b>	Emily Coe (905) 546-2424 Ext. 2575
<b>SUBMITTED BY:</b>	Steve Robichaud Director, Planning and Chief Planner Planning and Economic Development Department
<b>SIGNATURE:</b>	

## RECOMMENDATION

- (a) That approval be given to **City Initiative CI 22-F for housekeeping amendments to the former City of Hamilton Zoning By-law No. 6593** on the following basis:
- (i) That the Draft By-law, attached as Appendix “A” to Report PED22131, which has been prepared in a form satisfactory to the City Solicitor, be enacted by Council;
  - (ii) That the proposed changes in zoning are in conformity with the Urban Hamilton Official Plan (UHOP), Hamilton-Wentworth Regional Official Plan and City of Hamilton Official Plan;
  - (iii) That the proposed Zoning By-law Amendments are consistent with the Provincial Policy Statement (PPS), 2020 and conform to A Place to Grow: Growth Plan for the Greater Golden Horseshoe, 2019, as amended;
- (b) That approval be given to **City Initiative CI 22-F for a housekeeping amendment to the Town of Glanbrook Zoning By-law No. 464** on the following basis:

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OUR Vision: To be the best place to raise a child and age successfully.

OUR Mission: To provide high quality cost conscious public services that contribute to a healthy, safe and prosperous community, in a sustainable manner.

OUR Culture: Collective Ownership, Steadfast Integrity, Courageous Change, Sensational Service, Engaged Empowered Employees.

**SUBJECT: Housekeeping Amendments to the Former City of Hamilton Zoning By-law No. 6593 and the Town of Glanbrook Zoning By-law No. 464 (CI 22-F) (PED22131) (City Wide) - Page 2 of 7**

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- (i) That the Draft By-law, attached as Appendix “B” to Report PED22131, which has been prepared in a form satisfactory to the City Solicitor, be enacted by Council;
- (ii) That the proposed changes in zoning are in conformity with the Urban Hamilton Official Plan (UHOP);
- (iii) That the proposed Zoning By-law Amendment is consistent with the Provincial Policy Statement (PPS), 2020 and conforms to A Place to Grow: Growth Plan for the Greater Golden Horseshoe, 2019, as amended, and the Greenbelt Plan, 2017.

### **EXECUTIVE SUMMARY**

Staff regularly monitor the former municipal Zoning By-laws and where necessary, bring forward amendments to ensure the By-laws remain up-to-date and any clarification and interpretation issues are resolved. Staff propose two separate Zoning By-law Amendments:

- To the former City of Hamilton Zoning By-law No. 6593; and,
- To the Town of Glanbrook Zoning By-law No. 464.

The purpose of the amendments to the former City of Hamilton Zoning By-law No. 6593 are:

- To amend the existing definitions for “Children’s Residence” and “Day Nursery”;
- and,
- To remove the 180.0 metre radial separation requirement, as well as the restriction on number the maximum permitted number of children, for Day Nurseries within various Residential Districts.

The purpose of the amendment to the Town of Glanbrook Zoning By-law No. 464 is to correct a drafting error in the existing site specific by-law and to add the use of a Street Townhouse Dwelling to the existing site-specific Residential Multiple “RM3-321” Zone in order to recognize and implement the intended use of the property located at 3140 – 3150 Binbrook Road, Glanbrook.

### **Alternatives for Consideration – See Page 7**

### **FINANCIAL – STAFFING – LEGAL IMPLICATIONS**

Financial: N/A

**SUBJECT: Housekeeping Amendments to the Former City of Hamilton Zoning By-law No. 6593 and the Town of Glanbrook Zoning By-law No. 464 (CI 22-F) (PED22131) (City Wide) - Page 3 of 7**

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Staffing: N/A

Legal: As required by the *Planning Act*, Council shall hold at least one Public Meeting to consider a Zoning By-law Amendment. Notice of these Amendments has been posted in the Hamilton Spectator, as required by the *Planning Act*.

## **HISTORICAL BACKGROUND**

The former City of Hamilton Zoning By-law No. 6593 came into effect on July 25, 1950, with numerous amendments being made to the By-law between that date and the present time. Certain definitions and uses within the Zoning By-law have never been amended to reflect current terminology and/or legislation and as a result, have become outdated.

In 1990, zoning regulations for Day Nurseries were introduced into the former City of Hamilton Zoning By-law No. 6593. Within certain Residential Districts, regulations were added imposing a minimum radial separation of 180.0 metres from the lot line to the lot line of any other lot occupied or as may be occupied by a Day Nursery, as well as a restriction on the number of children permitted within a Day Nursery located within these Residential Districts.

The legislation around Day Nurseries has since changed and is now governed by the *Child Care and Early Years Act*. Included within this Act are requirements which would limit the number of children permitted within a day nursery.

Likewise, the 180.0 metre radial separation was adopted to alleviate concerns around the clustering of Day Nurseries within low density residential areas and subsequent issues which may arise from this, such as traffic congestion and parking concerns. Given that the *Child Care and Early Years Act* established specific criteria and standards based on the building size, ratio of care providers and play area provisions, the number of children are restricted based on the appropriateness of the facility. Therefore, impacts on traffic are reduced based on the limitations established by the Act and the 180.0 metre radial separation is no longer required in the Zoning By-law.

It should also be noted that with the City of Hamilton Zoning By-law 05-200, which will be the comprehensive Zoning By-law for the entire City of Hamilton going forward, neither a limitation on the number of children nor a radial separation requirement for Day Nurseries has been brought forward into the By-law, nor are these restrictions contemplated to be included within the By-law in future.

**SUBJECT: Housekeeping Amendments to the Former City of Hamilton Zoning By-law No. 6593 and the Town of Glanbrook Zoning By-law No. 464 (CI 22-F) (PED22131) (City Wide) - Page 4 of 7**

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Additionally, staff will continue to monitor changes in Provincial legislation to ensure that definitions within Hamilton Zoning By-law No. 6593 are still relevant and accurate, as well as to ensure that terminology is correct.

The purpose of this Report is to bring forward an amending By-law to make the necessary revisions to the definitions of “Children’s Residence” and “Day Nursery”, in order to remove outdated terminology and align with the definitions included in the relevant Acts, as well as to remove the 180.0 metre radial separation requirement and the restriction on the number the maximum permitted number of children for Day Nurseries within various Residential Districts (see Appendix “A” attached to Report PED22131).

An amendment has been identified to the Town of Glanbrook Zoning By-law No. 464 pertaining to the property located at 3140 – 3150 Binbrook Road, Glanbrook (see Appendix “C” to Report PED22131). The intended use of the property is Street Townhouse Dwellings. The site-specific Residential Multiple “RM3-321” Zone regulations were written to implement this use; however, permitting the actual use of a Street Townhouse Dwelling was inadvertently omitted from the amending by-law. As such, the use is required to be added to the RM3-321 zone for the intended development to proceed on this property (see Appendix “B” attached to Report PED22131).

## **POLICY IMPLICATIONS AND LEGISLATED REQUIREMENTS**

The Provincial planning policy framework is established through the *Planning Act* (Section 3), the Provincial Policy Statement (PPS 2020), a Place to Grow: Growth Plan for the Greater Golden Horseshoe 2019, as amended (Growth Plan) and the Greenbelt Plan (2017). The *Planning Act* requires that all municipal land use decisions affecting planning matters be consistent with the PPS and conform to the Growth Plan and the Greenbelt Plan.

The mechanism for the implementation of the Provincial plans and policies is through the Official Plan. Through the preparation, adoption and subsequent Ontario Land Tribunal approval of the Urban and Rural Hamilton Official Plans, the City of Hamilton has established the local policy framework for the implementation of the Provincial planning policy framework.

Based on the foregoing, it is staff’s opinion that these amendments are:

- Consistent with the Provincial Policy Statement (2020);
- Conform to A Place to Grow: Growth Plan for the Greater golden Horseshoe (2019, as amended); and,

**SUBJECT: Housekeeping Amendments to the Former City of Hamilton Zoning By-law No. 6593 and the Town of Glanbrook Zoning By-law No. 464 (CI 22-F) (PED22131) (City Wide) - Page 5 of 7**

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- Conform to the Greenbelt Plan (2017).

### Official Plan

The extent of the modifications and updates to the former City of Hamilton Zoning By-law No. 6593 and the Town of Glanbrook Zoning By-law No. 464 are minor in nature and are in conformity with the Urban Hamilton Official Plan, Hamilton-Wentworth Regional Official Plan and City of Hamilton Official Plan.

### RELEVANT CONSULTATION

Consultation has been undertaken with staff in Development Planning, Children’s Services and Neighbourhood Development, and Zoning to determine the necessary updates and revisions required to the former City of Hamilton Zoning By-law No. 6593 and the Town of Glanbrook Zoning By-law No. 464.

Notice of the proposed amendments was posted in the Hamilton Spectator on May 27, 2022.

### ANALYSIS AND RATIONALE FOR RECOMMENDATION

#### 1. Former City of Hamilton Zoning By-law No. 6593 Amendments

The following sections of the former City of Hamilton Zoning By-law No. 6593 are to be amended, as described in detail in Appendix “A” attached to Report PED22131:

<ul style="list-style-type: none"> <li>• <b>Section 2</b> (Interpretation and Definitions)</li> </ul>	<ul style="list-style-type: none"> <li>• To modify existing definitions for “Children’s Residence” and “Day Nursery”.</li> </ul>
<ul style="list-style-type: none"> <li>• <b>Section 3</b></li> </ul>	<ul style="list-style-type: none"> <li>• To delete wording “<i>Day Nursery Act</i>” and replace it with “<i>Child Care and Early Years Act</i>”.</li> </ul>
<ul style="list-style-type: none"> <li>• <b>Section 8</b>  (“B” Suburban Agriculture and Residential, etc. District)</li> </ul>	<ul style="list-style-type: none"> <li>• To delete the 180.0m radial separation requirement and restriction on maximum number of children for a Day Nursery.</li> </ul>
<ul style="list-style-type: none"> <li>• <b>Section 9</b>  (“C” Urban Protected Residential, etc. District)</li> </ul>	<ul style="list-style-type: none"> <li>• To delete the 180.0m radial separation requirement and restriction on maximum number of children for a Day Nursery.</li> </ul>

**SUBJECT: Housekeeping Amendments to the Former City of Hamilton Zoning By-law No. 6593 and the Town of Glanbrook Zoning By-law No. 464 (CI 22-F) (PED22131) (City Wide) - Page 6 of 7**

<ul style="list-style-type: none"> <li>• <b>Section 9A</b> ("R-4" Small Lot Single Family Dwelling District)</li> </ul>	<ul style="list-style-type: none"> <li>• To delete the 180.0m radial separation requirement and restriction on maximum number of children for a Day Nursery.</li> </ul>
<ul style="list-style-type: none"> <li>• <b>Section 10</b> ("D" Urban Protected Residential – One and Two Family Dwellings, etc. District)</li> </ul>	<ul style="list-style-type: none"> <li>• To delete the 180.0m radial separation requirement and restriction on maximum number of children for a Day Nursery.</li> </ul>
<ul style="list-style-type: none"> <li>• <b>Section 10A</b> ("DE" Low Density Multiple Dwellings District)</li> </ul>	<ul style="list-style-type: none"> <li>• To delete the 180.0m radial separation requirement and restriction on maximum number of children for a Day Nursery.</li> </ul>
<ul style="list-style-type: none"> <li>• <b>Section 10B</b> ("DE-2" Multiple Dwellings District)</li> </ul>	<ul style="list-style-type: none"> <li>• To delete the 180.0m radial separation requirement and restriction on maximum number of children for a Day Nursery.</li> </ul>
<ul style="list-style-type: none"> <li>• <b>Section 10C</b> ("DE-3" Multiple Dwellings District)</li> </ul>	<ul style="list-style-type: none"> <li>• To delete the 180.0m radial separation requirement and restriction on maximum number of children for a Day Nursery.</li> </ul>
<ul style="list-style-type: none"> <li>• <b>Section 10D</b> ("RT-10" Townhouse District)</li> </ul>	<ul style="list-style-type: none"> <li>• To delete the 180.0m radial separation requirement and restriction on maximum number of children for a Day Nursery.</li> </ul>
<ul style="list-style-type: none"> <li>• <b>Section 10E</b> ("RT-20" Townhouse – Maisonette District)</li> </ul>	<ul style="list-style-type: none"> <li>• To delete the 180.0m radial separation requirement and restriction on maximum number of children for a Day Nursery.</li> </ul>
<ul style="list-style-type: none"> <li>• <b>Section 10F</b> ("RT-30" Street – Townhouse District)</li> </ul>	<ul style="list-style-type: none"> <li>• To delete the 180.0m radial separation requirement and restriction on maximum number of children for a Day Nursery.</li> </ul>

2. Town of Glanbrook Zoning By-law No. 464 Amendments

The following section of the Town of Glanbrook Zoning By-law No. 464 is to be amended, as described in detail in Appendix "B" attached to Report PED22131:



**SUBJECT: Housekeeping Amendments to the Former City of Hamilton Zoning By-law No. 6593 and the Town of Glanbrook Zoning By-law No. 464 (CI 22-F) (PED22131) (City Wide) - Page 7 of 7**

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<ul style="list-style-type: none"> <li>• <b>Section 44</b> (Exceptions to the Provisions of this By-law – RM3-321 Zone)</li> </ul>	<ul style="list-style-type: none"> <li>• To add the use of a Street Townhouse Dwelling to the existing Residential Multiple “RM3-321” Zone, Modified.</li> </ul>
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## **ALTERNATIVES FOR CONSIDERATION**

If the proposed Zoning By-law Amendments are not approved, inconsistencies in the interpretation and Application of the Zoning By-laws may occur.

## **ALIGNMENT TO THE 2016 – 2025 STRATEGIC PLAN**

### **Community Engagement and Participation**

Hamilton has an open, transparent and accessible approach to City government that engages with and empowers all citizens to be involved in their community

### **Economic Prosperity and Growth**

Hamilton has a prosperous and diverse local economy where people have opportunities to grow and develop.

### **Healthy and Safe Communities**

Hamilton is a safe and supportive City where people are active, healthy, and have a high quality of life.

### **Culture and Diversity**

Hamilton is a thriving, vibrant place for arts, culture, and heritage where diversity and inclusivity are embraced and celebrated.

### **Our People and Performance**

Hamiltonians have a high level of trust and confidence in their City government.

## **APPENDICES AND SCHEDULES ATTACHED**

Appendix “A” to Report PED22131 - Draft former City of Hamilton Zoning By-law No. 6593 Amendment

Appendix “B” to Report PED22131 - Draft Town of Glanbrook Zoning By-law No. 464 Amendment

Appendix “C” to Report PED22131 - Location Map

EC:sd

**Appendix “A” to Report PED22131  
Page 1 of 4**

**Authority:** Item , Planning Committee  
Report: PED22131  
CM:  
Ward: City Wide

**Bill No.**

**CITY OF HAMILTON**

**BY-LAW No. \_\_\_\_\_**

**To Amend Zoning By-law No. 6593 (former City of Hamilton), Respecting  
Housekeeping Amendments to Various Definitions and Certain Day Nursery  
Regulations**

**WHEREAS** the *City of Hamilton Act, 1999*, Statutes of Ontario 1999 Chap. 14, Schedule C did incorporate, as of January 1, 2001, the municipality “City of Hamilton”;

**AND WHEREAS** the City of Hamilton is the successor to certain area municipalities, including the former area municipality known as “The Corporation of the City of Hamilton”, and is the successor of the former Regional Municipality, namely, “the Regional Municipality of Hamilton-Wentworth”;

**AND WHEREAS** the *City of Hamilton Act, 1999*, provides that the Zoning By-laws and Official Plans of the former area municipalities and the Official Plan of the former regional municipality continue in force in the City of Hamilton until subsequently amended or repealed by the Council or the City of Hamilton;

**AND WHEREAS** the Council of The Corporation of the City of Hamilton passed Zoning By-law No. 6593 (Hamilton) on the 25th day of July 1950, which by-law was approved by the Ontario Municipal Board by Order dated the 7th day of December 1951 (File No. P.F.C. 3821);

**AND WHEREAS** Council, in approving Item \_\_\_\_\_ of Report \_\_\_\_\_ of the Planning Committee, at its meeting held on the 14th day of June, 2022, recommended that Zoning By-law No. 6593 (Hamilton) be amended as hereinafter provided;

**AND WHEREAS** this By-law is in conformity with the Urban Hamilton Official Plan, Hamilton-Wentworth Regional Official Plan and City of Hamilton Official Plan;

**NOW THEREFORE** the Council of the City of Hamilton enacts as follows:

**Appendix “A” to Report PED22131**  
**Page 2 of 4**

1. That SECTION TWO: INTERPRETATION AND DEFINITIONS be amended by deleting Section 2. (2) B. (i) in its entirety and replacing it with the following definition:
  - (i) **“Children’s Residence”** shall mean all or any part of a building or buildings in which three or more children not of common parentage residing away from the home of their parents or guardians primarily for the purpose of receiving residential care, and includes any other home or institution in which three or more children not of common parentage reside and that is supervised or operated by a children's aid society under the Child, Youth, and Family Services Act, whether or not the children are Crown wards or wards of the society, but does not include,
    - (a) A Residential Care Facility;
    - (b) A house that is licensed under the *Private Hospitals Act*;
    - (c) A day nursery or camp provided for under the *Child Care and Early Years Act*;
    - (d) A home for special care under the *Homes for Special Care Act*;
    - (e) Part of a school provided for under the *Education Act*;
    - (f) A hostel intended for short-term accommodation; or,
    - (g) A hospital that is in receipt of financial aid from the Province of Ontario.
2. That SECTION TWO: INTERPRETATION AND DEFINITIONS be amended by deleting Section 2. (2) B. (ii) in its entirety and replacing it with the following definition:
  - (ii) **“Day Nursery”** shall mean a facility licensed under the *Child Care and Early Years Act* which receives more than five children who are not of common parentage, primarily for the purpose of providing temporary care and/or guidance for a continuous period not exceeding 24 hours, where children are,
    - (a) Under eighteen years of age in the case of a day nursery for children with a development disability; and,
    - (b) Under ten years of age in all other cases but shall not include part of a school provided for under the *Education Act*.”
3. That SECTION THREE: APPLICATION OF BY-LAW be amended by deleting the wording “Day Nurseries Act, R.S.O. 1980, c. 111” within Section 3 (10) and replacing it with *“Child Care and Early Years Act”*.
4. That SECTION EIGHT: “B” DISTRICTS (SUBURBAN AGRICULTURE AND RESIDENTIAL, ETC.) be amended by deleting Section 8. (1) (iiia) in its entirety and replacing it with the following:
  - (iiia) A day nursery;

**Appendix “A” to Report PED22131**  
**Page 3 of 4**

5. That SECTION NINE: “C” DISTRICTS (URBAN PROTECTED RESIDENTIAL, ETC.) be amended by deleting Section 9. (1) (iii) in its entirety and replacing it with the following:
  - (iii) A day nursery;
6. That SECTION NINE A: “R-4” DISTRICTS (SMALL LOT SINGLE FAMILY DWELLING) be amended by deleting Section 9A. (1) (aa) 1. in its entirety and replacing it with the following:
  1. A day nursery;
7. That SECTION TEN: “D” DISTRICTS (URBAN PROTECTED RESIDENTIAL – ONE AND TWO FAMILY DWELLINGS, ETC.) be amended by deleting Section 10. (1) (xa) in its entirety and replacing it with the following:
  - (xa) A day nursery;
8. That SECTION TEN A: “DE” DISTRICTS (LOW DENSITY MULTIPLE DWELLINGS) be amended by deleting Section 10A. (1) (ix) in its entirety and replacing it with the following:
  - (ix) A day nursery;
9. That SECTION TEN B: “DE-2” DISTRICTS (MULTIPLE DWELLINGS) be amended by deleting Section 10B. (1) (viii) in its entirety and replacing it with the following:
  - (viii) A day nursery;
10. That SECTION TEN C: “DE-3” DISTRICTS (MULTIPLE DWELLINGS) be amended by deleting Section 10C. (1) (viii) in its entirety and replacing it with the following:
  - (viii) A day nursery;
11. That SECTION TEN D: “RT-10” DISTRICTS (TOWNHOUSE) be amended by deleting Section 10D. (2) (b) 1. in its entirety and replacing it with the following:
  1. A day nursery;
12. That SECTION TEN E: “RT-20” DISTRICTS (TOWNHOUSE – MAISONETTE) be amended by deleting Section 10E. (2) (b) 1. in its entirety and replacing it with the following:
  1. A day nursery;

**Appendix "A" to Report PED22131**  
**Page 4 of 4**

13. That SECTION TEN F: "RT-30" DISTRICTS (STREET – TOWNHOUSE) be amended by deleting Section 10F. (2) (b) 1. in its entirety and replacing it with the following:
1. A day nursery;
14. That the Clerk is hereby authorized and directed to proceed with the giving of notice of passing of this By-law, in accordance with the *Planning Act*.
15. That this By-law comes into force in accordance with Section 34 of the *Planning Act*.

**PASSED** this \_\_\_\_\_ , 2022

\_\_\_\_\_  
 Fred Eisenberger  
 Mayor

\_\_\_\_\_  
 A. Holland  
 Clerk

CI 22-F

*For Office Use Only, this doesn't appear in the by-law - Clerk's will use this information in the Authority Section of the by-law*

Is this by-law derived from the approval of a Committee Report? Yes

Committee: Planning Committee

Report No.: PED22131

Date: 06/14/2022

Ward(s) or City Wide: City Wide

(MM/DD/YYYY)

Prepared by: Emily Coe

Phone No: Ext. 2575

*For Office Use Only, this doesn't appear in the by-law*

**Appendix “B” to Report PED22131  
Page 1 of 3**

**Authority:** Item  
Report: 22- (PED22131)  
CM:  
Ward: 15

**Bill No.**

**CITY OF HAMILTON**

**BY-LAW No. \_\_\_\_\_**

**To Amend Zoning By-law No. 464 (Glanbrook),  
Respecting lands located at 3140 – 3150 Binbrook Road**

**WHEREAS** the *City of Hamilton Act, 1999*, Statutes of Ontario 1999 Chap. 14, Schedule C did incorporate, as of January 1, 2001, the municipality “City of Hamilton”;

**AND WHEREAS** the City of Hamilton is the successor to certain area municipalities, including the former area municipality known as “The Corporation of the Township of Glanbrook”, and is the successor of the former Regional Municipality, namely, “the Regional Municipality of Hamilton-Wentworth”;

**AND WHEREAS** the *City of Hamilton Act, 1999*, provides that the Zoning By-laws and Official Plans of the former area municipalities and the Official Plan of the former regional municipality continue in force in the City of Hamilton until subsequently amended or repealed by the Council or the City of Hamilton;

**AND WHEREAS** Zoning By-law No. 464 (Glanbrook) was enacted on the 16th of November 1992 and approved by the Ontario Municipal Board on the 31st of May 1993;

**AND WHEREAS** Council, in approving Item \_\_\_\_\_ of Report \_\_\_\_\_ of the Planning Committee, at its meeting held on the 14th day of June, 2022, recommended that Zoning By-law No. 464 (Glanbrook) be amended as hereinafter provided;

**AND WHEREAS** this By-law is in conformity with the Urban Hamilton Official Plan;

**NOW THEREFORE** the Council of the City of Hamilton enacts as follows:

1. That the Residential Multiple “RM3-321” Zone, Modified within SECTION 44: EXCEPTIONS TO THE PROVISIONS OF THIS BY-LAW, be amended as follows:
  - (i) By adding the following paragraph after the words “3140 and 3150 Binbrook Road (By-law No. 21-120)”:

**Appendix “B” to Report PED22131**  
**Page 2 of 3**

In addition to the uses permitted in **SECTION 19: RESIDENTIAL MULTIPLE “RM3” ZONE**, Subsection 19.1 **PERMITTED USES**, the following additional uses shall also be permitted:

Street Townhouse Dwelling

- (ii) By deleting the first paragraph “Notwithstanding the regulations of **SECTION 19.2 – REGULATIONS FOR USES PERMITTED IN PARAGRAPH (a) OF SUBSECTION 19.1 (BLOCK TOWNHOUSE DWELLINGS), provisions (a), (b), (e), (f), (j), and (m), the following provisions shall apply:**” and replacing it with the following wording:

“The following regulations shall apply to a Street Townhouse Dwelling:”

- (iii) By adding the following wording after subsection (m):

“All other regulations of Subsection 19.2 shall also apply to a Street Townhouse Dwelling.”

2. That the Clerk is hereby authorized and directed to proceed with the giving of notice of passing of this By-law, in accordance with the *Planning Act*.
3. That this By-law comes into force in accordance with Section 34 of the *Planning Act*.

**PASSED** this \_\_\_\_\_, \_\_\_\_\_, **2022**

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Fred Eisenberger  
Mayor

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A. Holland  
Clerk

CI 22-F

**Appendix "B" to Report PED22131**  
**Page 3 of 3**

*For Office Use Only, this doesn't appear in the by-law - Clerk's will use this information in the Authority Section of the by-law*

Is this by-law derived from the approval of a Committee Report? Yes

Committee: Planning Committee

Report No.: PED22131

Date: 06/14/2022

Ward(s) or City Wide: 11

(MM/DD/YYYY)

Prepared by: Emily Coe

Phone No: Ext. 2575

*For Office Use Only, this doesn't appear in the by-law*







WELCOME TO THE CITY OF HAMILTON

# PLANNING COMMITTEE

June 14, 2022

# PED22131

Housekeeping Amendments to the Former City of Hamilton Zoning By-law No. 6593 and the Town of Glanbrook Zoning By-law No. 464

Presented by: Emily Coe

# Background

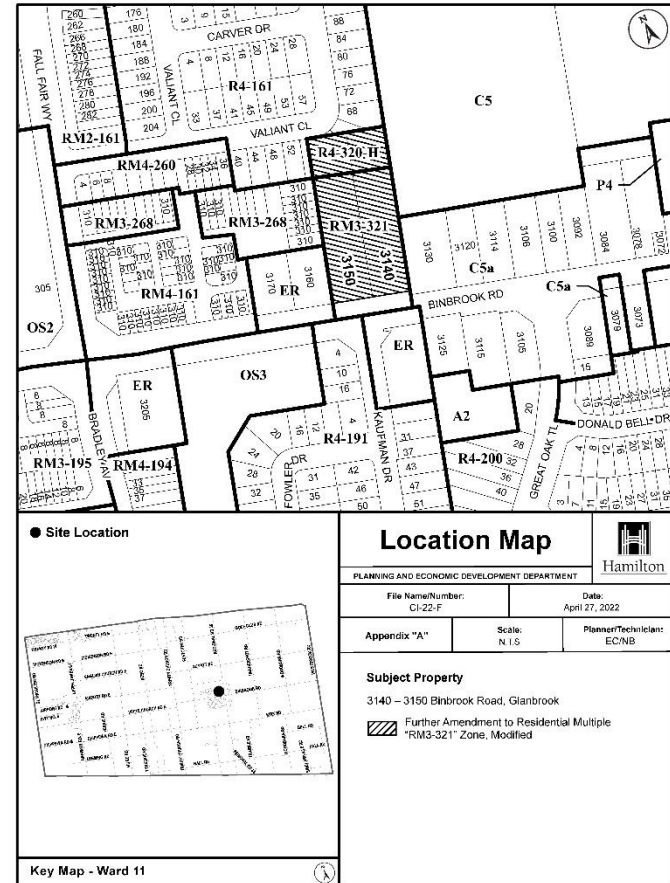
- The Zoning By-laws are “**living documents**”; they need to be monitored and amended on an on-going basis.
- Staff regularly monitor **Hamilton Zoning By-law No. 05-200 and the former Community Zoning By-laws** to ensure that the By-laws remain up-to-date and to identify where text amendments, which may have a more immediate impact, are required.

## Updates to Hamilton Zoning By-law No. 6593

- **Definitions** – to amend the existing definitions for “Children’s Residence” and “Day Nursery”;
- **Day Nurseries within various Residential Districts** – to remove the 180.0 metre radial separation requirement, as well as the restriction on the maximum permitted number of children, for Day Nurseries within various Residential Districts.

# Updates to Glanbrook Zoning By-law No. 464

To correct a drafting error in the existing site-specific by-law and to add the use of a Street Townhouse Dwelling to the existing site specific Residential Multiple “RM3-321” Zone in order to recognize and implement the intended use of the property located at 3140 – 3150 Binbrook Road, Glanbrook.



# Consultation

- Staff from various departments provided input on the proposed amendments to the Zoning By-laws
- Notice of Public Meeting posted in The Hamilton Spectator on May 27, 2022
- Notice of Public Meeting sent to property owner of 3140 – 3150 Binbrook Road, Glanbrook



THANK YOU

THE CITY OF HAMILTON PLANNING COMMITTEE